

What carers need to know about the

# Reportable Conduct Scheme

## Who is this quick guide for?

- This quick guide is for foster, kinship and respite carers in Tasmania.
- It explains what the Reportable Conduct Scheme is and what it means for you.
- We made it after Tasmanian carers told us what they wanted to know about the Reportable Conduct Scheme.
- We thank the carers who shared their thoughts and experiences with us.

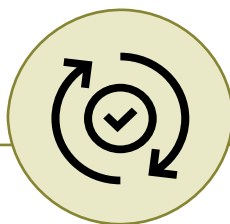
## Content warning

- This quick guide includes topics that may be upsetting.
- If anything feels too hard to read, please take a break and take care of yourself.
- Please note we also use some words that may bring up difficult feelings or not sound 'right' for your role as a carer. They are:
  - ♦ **'Notify' and 'investigate'**—These are the terms used in the law that created the Reportable Conduct Scheme. We don't want to accidentally mislead you by using different or 'softer' language.
  - ♦ **'Worker'**—This is also used in the law that created the Reportable Conduct Scheme. Used this way, 'worker' applies to a wide range of people such as volunteers and contractors, not just paid employees.

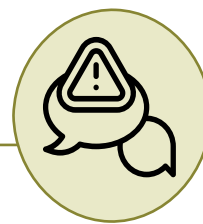
# What is the Reportable Conduct Scheme?



**NOTIFY**



**UPDATE**



**REPORT**

- The Reportable Conduct Scheme requires specific organisations to take appropriate steps if someone raises a concern about how a worker has treated a child or young person.
- It applies to a wide range of organisations that look after children and young people, like hospitals and schools. **It also applies to out-of-home care providers, and those providing care for children through foster and kinship care.**
- The Office of the Independent Regulator (OIR) oversees these organisations and what steps they take.
- It does this by requiring the leaders of these organisations to:



**notify** the OIR within three business days if a concern is raised



**update** the OIR within 30 days



**report** the outcome to the OIR when the matter is finalised, including what steps were taken.

# What does the Reportable Conduct Scheme mean for me as a carer?

- You are considered a "worker" under the Reportable Conduct Scheme.
- Any concerns about your behaviour towards any child—not only the ones you care for—may be reportable.
- If concerns are notified to the OIR, the organisation must investigate, and the OIR will oversee the process.
- Other adults (people aged 18 and over) will not be considered a 'worker' unless:
  - ◊ they also have a formal caring role, or
  - ◊ are a 'worker' for somebody else (e.g. they coach a junior football team or are a primary school teacher).
- You may want to tell the OIR about a concern of your own, about how a worker of another organisation has treated a child in your care (or any child). Information on how to report is included towards the end of this quick guide.

## How is this different from other systems?

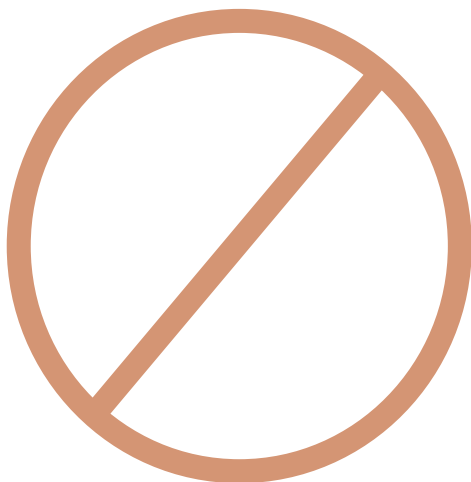
- **OIR** oversees reportable conduct investigations
- **Child Safety and Youth Justice Operations** runs the Wellbeing in Care process—it's separate but can happen at the same time
- **Police** respond to immediate risk and investigate alleged offences
- **Registration to Work with Vulnerable People** may carry out a risk assessment if a concern is raised about someone.

# What does the OIR do with these notifications of possible reportable conduct?



- The OIR's role is to independently oversee what the organisation does and check if the process is fair, thorough and child-focused.
- We ask questions like:
  - ◇ Is the concern being **taken seriously**?
  - ◇ Are the organisation's actions **appropriate** and **consistent**?
  - ◇ Did the organisation investigate **properly**?
  - ◇ Were the outcomes or findings of the investigation **based on evidence**, and appropriate?
  - ◇ Was the worker (e.g. a carer) **treated fairly** during the investigation process?

## What doesn't the OIR do?



- The OIR does not:
  - ◇ do the investigation ourselves (except in special circumstances)
  - ◇ make the decision to remove a child from someone's care
  - ◇ cancel someone's Registration to Work with Vulnerable People.

# What is reportable conduct?

Reportable conduct includes:

- Sexual offences or misconduct
- Grooming
- Physical violence
- Significant neglect
- Significant emotional or psychological harm.

In out-of-home care, this could look like:

## **Sexual offences**

- sexually assaulting a child or young person, making or accessing child exploitation material

## **Sexual misconduct**

- an adult communicating with a child in an inappropriately sexualised way

## **Grooming**

- grooming refers to behaviours that manipulate and control a child or young person for the purpose of eventually sexually abusing them. Trusted adults, friends, parents and workers in an organisation can also be groomed by a perpetrator to access and abuse a child or young person.

## **Physical violence**

- hitting, slapping, force-feeding, smacking, using belts or other punishments, threatening, or inappropriate use of restraint

## **Significant neglect**

- deliberately not providing a child with basic needs, such as food, hygiene or medical care, leaving a child unsupervised in a reckless or careless way

## **Significant emotional/psychological harm**

- behaviour that has or is likely to cause harm such as shaming a child, punishing bed-wetting, exposure to family violence, or speaking badly about their biological family.

## What about instances that are not reportable conduct?

- Carers have spoken to us about unpredictable moments where they had to make fast decisions, and things did not go as planned.
- Here are some examples of actions that, though not ideal, do **not** meet the threshold of reportable conduct:
  - restraining a child to prevent harm in line with a behavioural support plan
  - moving a child who is exhibiting significant trauma behaviours away from an unsafe area
  - a minor accident despite reasonable supervision
  - forgetting to pack a child's lunch once
  - missing an appointment due to lack of communication provided to the carer
  - having age-appropriate conversations about sexual safety.
- In many instances, an organisation will still need to do something in response to concerns, even if they do not meet the threshold for reportable conduct.
- For example, the concern may be telling them something about whether the carer is getting the support they need.

# Can you give me some examples of reportable conduct cases?

The below fictional examples attempt to show you what is and is not reportable conduct. These examples are high-level in nature so should not be taken as exhaustive.

## Example 1: The carer self-reports but hasn't done anything wrong

Shelley is an experienced 57-year-old carer looking after a four-year-old boy named Jake. One day at the park, Jake sees a Blue Heeler being walked across the road and, excited because it reminds him of Bluey, he bolts towards it shouting "Bluey! Bluey!" Shelley sprints after him and yanks him back by the shoulder just as a car approaches. Jake cries out in pain, and it turns out his shoulder is dislocated. Shelley is horrified and reports herself to her support worker.

The support worker raises the matter and it is reported to the OIR as possible reportable conduct.

**Outcome:** After reviewing the investigation undertaken as part of the Wellbeing in Care or Worry process, the OIR determines Shelley acted to stop Jake from running into traffic. She was supervising him appropriately and trying to keep him safe. This is not reportable conduct.

## Example 2: The carer commits reportable conduct, but the outcome is education and support

Dylan has cared for Mia since she was two. Now six, Mia starts asking more about her biological mum. Dylan, feeling unsure and protective, tells Mia that her mother hasn't replied to visit requests—which is a lie, because Dylan hasn't gone to her provider to request they reach out to Mia's biological mum. Dylan adds that she is Mia's "real mum" who always has time for her.

Mia is sad and stops asking questions. But her biological mother contacts the provider to say she's been ignored. The provider reports it to the OIR.

**Outcome:** The OIR agrees this is reportable conduct because it caused emotional harm. Dylan is supported to understand the impact of their behaviour and required to follow the provider's Code of Conduct. The provider also supports the carer through the re-introduction of Mia's mum into their lives. Mia stays in Dylan's care.

## Example 3: A carer transfers to a different support provider and that provider becomes aware of allegations of abuse in the carers past

Jesse is a new carer who recently moved to Tasmania. Substantial concerns arise that Jesse may have a history of sexually abusing children in a different state and is using the carer role to access children. The provider notifies the OIR and, after investigating, Jesse's approval is cancelled.

**Outcome:** The OIR agrees this is reportable conduct and, after reviewing the investigation, comes to the view that the provider did the right thing. The OIR also shares this information with the Registration to Work with Vulnerable People Scheme and considers sharing the information with other jurisdictions.

# What to expect if you are the subject of a reportable conduct allegation:

**Please note:** The OIR oversees—but does not control or decide—exactly how an investigation unfolds. This said, below is some broad advice about what you may experience if you are the subject of a reportable conduct allegation. Please seek your own advice as needed.



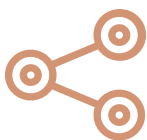
**An investigation will happen.** The Department for Education, Children and Young People (DECYP), alongside your out-of-home care provider (where relevant) will investigate the allegation and make reports to the OIR at specific points in the process.



**This investigation may take time, to ensure fairness.** The investigation may take time because investigators need to make sure the process is fair for **everyone** involved, consider all the evidence, and focus on the child's needs.



**Risk mitigations may be put in place.** Arrangements may be put in place to manage potential risks to children and young people if you are the subject of an allegation, and while the investigation is being done. But this will depend greatly on the context and nature of the allegation. For example, a safety plan may be put in place limiting the type of contact an individual has with a child while the matter is being assessed. In other situations, a child or young person may need to live elsewhere until the assessment has been completed and a final decision is made.



**Your information may be shared.** In addition to the OIR, your personal information and details about the investigation may be shared with organisations such as the Registrar of the Working with Vulnerable People Scheme, or Tasmania Police, when necessary.



**You will likely be kept informed, and you will be able to access support.** While the OIR does not control this, as a general rule you'll be told if you are being investigated and given a chance to respond. You can also get legal advice and access a support person for the investigation process.



**You can take steps if you disagree with the outcome.** If you are investigated and don't agree with the outcome, you may ask about DECYP or your service provider's review and/or dispute process, get legal advice, or contact the Ombudsman for support. The Fair Work Commission are also available if you are employed by a provider in a care role.



## Will a notification about my behaviour mean children are removed from my care?

While the OIR does not make this decision, we understand children will only be removed from the household in the **most extreme cases**. It won't be an 'automatic' consequence of a notification being made.

It is more likely arrangements will be put in place to manage potential risks to children and young people if you are the subject of an allegation, and while the investigation is being done.

What this looks like will depend greatly on the **context and nature of the allegation**. For example, a safety plan may be put in place limiting the type of contact an individual has with a child while the matter is being assessed.

## How do I report a concern?

Report if:

- you reasonably suspect someone has committed reportable conduct (e.g. you saw or heard something worrying)
- you think you may have committed reportable conduct (self-report).

Follow your organisation's reporting policies. If you don't feel safe doing that, you can report directly to the OIR via our **webform [bit.ly/43IXmvw](https://bit.ly/43IXmvw)** or by calling **1800 754 728**.

## Still have questions?



That's okay. Some situations are complex. The OIR understands that not everything has a clear answer. You can contact us any time on **1800 754 728** or **[contact@oir.tas.gov.au](mailto:contact@oir.tas.gov.au)** if you're unsure.

## Need support?

- **OIR:**  
[www.oir.tas.gov.au](http://www.oir.tas.gov.au) | 1800 754 728
- **Strong Families Safe Kids Advice and Referral Line:**  
1800 697 877
- **Foster and Kinship Carers Association Tasmania:**  
[www.fkat.org.au](http://www.fkat.org.au) | 1800 149 994
- **1800RESPECT** (violence support):  
1800 737 732
- **Lifeline** (mental health):  
13 11 14
- **Beyond Blue** (anxiety/depression):  
1300 224 636
- **Blue Knot Foundation** (trauma support):  
1300 657 380