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Reportable Conduct Policy

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1. Purpose

FMYC is a reporting entity under the Child Safe Organisations Act 2024 (Qld) and must notify the Queensland Family and Child Commission (QFCC) of reportable allegations and reportable convictions involving workers who provide services to children.

This policy sets out FMYC's approach to identifying, responding to, investigating and reporting reportable conduct, and meeting obligations under the Act.

The FMYC Board Chairperson is the Head of the Reporting Entity.

2. Scope

This policy applies to all FMYC workers, including employees, volunteers, contractors, students and any person engaged to provide services to children.

This policy also applies to reportable allegations and reportable convictions involving former workers where the alleged conduct occurred during the period they were engaged by FMYC.

Nothing in this policy limits any person's right to report concerns directly to the Queensland Family and Child Commission (QFCC) or any other relevant authority at any time.

3. Delegations (Written Authority)

The Head of the Reporting Entity delegates the functions described in this section to Program Managers for the purposes of administering and complying with the Reportable Conduct Scheme under the Child Safe Organisations Act 2024 (Qld). This policy constitutes written delegation of those functions.

Program Managers are authorised to:

- receive reportable conduct allegations and reportable convictions;
- undertake initial assessments and risk assessments;
- coordinate and/or conduct investigations;
- prepare notifications and reports to the Queensland Family and Child Commission (QFCC); and
- communicate with the QFCC regarding reportable conduct matters.

Where a Program Manager is unavailable, the Head of the Reporting Entity may appoint an appropriately qualified person as an acting delegate to ensure continuity of functions under this policy. While functions are delegated under this policy, the Head of the Reporting Entity retains ultimate accountability for ensuring FMYC's compliance with the Child Safe Organisations Act 2024 (Qld) and the Reportable Conduct Scheme.

Delegations under this policy may be amended or withdrawn by the Head of the Reporting Entity at any time.

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4. 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. The Reportable Conduct Scheme applies to both allegations and convictions that amount to reportable conduct of a worker.

Reportable conduct is defined under section 26 of the Child Safe Organisations Act 2024 (Qld) and includes:

- a child sexual offence
- sexual misconduct towards or in the presence of a child
- ill-treatment of a child
- significant neglect of a child
- physical violence towards or in the presence of a child
- conduct causing significant emotional or psychological harm to a child

Reportable conduct may be a single incident or a pattern of behaviour and may occur inside or outside the workplace. It does not need to occur while a worker is performing duties on behalf of the organisation.

A **reportable allegation** is an express assertion that a worker has engaged in conduct that may constitute reportable conduct. A reportable allegation may be made by any person and does not need to be substantiated before notification obligations arise.

A **reportable conviction** is a conviction or finding of guilt against a worker for an offence under any State, Territory or Commonwealth law that involves conduct that may constitute reportable conduct. A reportable conviction may have occurred before or after the commencement of the Reportable Conduct Scheme and must be reported in accordance with legislative requirements.

5. What is Not Reportable Conduct

The Act (s26(4)) provides that reportable conduct does not include reasonable behaviour in relation to the discipline, management or care of a child, having regard to:

- the age, development and needs of the child;
- relevant policies and professional standards;
- lawful behaviour support practices.

Workers of FMYC who provide services to children with complex needs or high-risk behaviours must also comply with all respective program specific policies and procedures that clearly outline acceptable and unacceptable practice responses to children.

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6. External Reporting Rights and Obligations

Any person may seek guidance from, or report concerns directly to the QFCC at any time, using notification channels provided by QFCC. Internal reporting is not required before external reporting.

Compliance with this policy does not remove any obligation to report concerns to Queensland Police Service, the Department of Child Safety, Blue Card Services, the NDIS Quality and Safeguards Commission or any other regulatory authority.

Where a concern may involve criminal conduct, significant harm, or a child protection concern, relevant external reporting obligations must be considered and actioned immediately as per relevant legislation, and best practice guidelines.

7. Conflicts of Interest

Any person involved in assessing, investigating, managing, or making findings about a reportable conduct matter must disclose any actual, potential, or perceived conflict of interest.

Examples of conflicts of interest may include personal relationships, family relationships, supervisory relationships, previous involvement in the matter, or any circumstance that may reasonably be perceived to affect impartiality.

Where a conflict exists, the person must be removed from the process, and an alternative delegate will be appointed by the Head of Entity. Where a conflict of interest directly relates to the Head of Entity, an appropriately qualified external investigator may be appointed with approval from the FMYC Board of Directors.

8. Procedural Fairness

FMYC will ensure procedural fairness for workers subject to allegations, and where appropriate:

- inform the worker of the allegation
- provide an opportunity to respond

Procedural fairness will be balanced with consideration to child safety, evidence preservation and directions from relevant authorities.

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9. Reportable Conduct Process

1.	Identification	A worker becomes aware of conduct or information that may constitute reportable conduct.
2.	Immediate Reporting	The worker must report immediately, and no later than 24 hours, to the Delegate. Immediate reports can be made in person, via phone, email/in writing. Workers will be further instructed and informed by internal program specific incident reporting processes. Where the conduct or information involves a Delegate, it must be escalated to the Head of the Reporting Entity or reported directly to QFCC. Where the conduct or information relates to the Head of the Reporting Entity, it must be reported directly to the QFCC. Any person may report concerns directly to the Queensland Family and Child Commission (QFCC) at any time. Internal reporting is not required before making a report to the QFCC. Direct reports may be made using the reporting channels published by the QFCC. Workers must not conduct their own investigation, discuss concerns with others or interview witnesses unless authorised to do so.
3.	Assess initial allegation	The Delegate will document and assess the reported concerns to determine if there is a reasonable basis to suspect that the matter may constitute a reportable allegation or reportable conviction under the Child Safe Organisations Act 2024 (Qld). Delegates may be informed by program specific forms and templates to complete an immediate risk assessment and respond promptly and appropriately to any identified risks.
4.	Escalation	Where the matter may involve reportable conduct, the Delegate must notify the Head of the Reporting Entity as soon as practicable.
5.	QFCC Notification	The Delegate, acting on behalf of the Head of Entity, will notify the QFCC that a reportable allegation or reportable conviction has been received and will be assessed and investigated in accordance with this policy. ***This must occur within 3 business days of becoming aware of the reportable allegation or reportable conviction.***
6.	Investigation	Investigations will occur in a timely, fair and child-centred manner. Investigations will be conducted internally by the appropriately delegated person or by an external investigator where considered necessary. Investigators will be informed by program specific forms and resources relating to Reportable Conduct investigation processes. The purpose of the investigation is to:

		• establish the relevant facts; • assess the evidence available; • determine findings based on the balance of probabilities; and • make recommendations Workers must cooperate with investigations and provide information reasonably requested for the purpose of the investigation.
7.	Final Report for Head of Entity Endorsement	The delegate will provide the final investigation report, findings and recommendations to the Head of Entity for review and endorsement. This must occur as soon as practicable.
8.	Final Report to QFCC	The delegate, acting on behalf of the Head of Entity, will provide the findings, outcome decision and any required supporting documentation to the QFCC. ***Findings will be reported to the QFCC as soon as practicable within 30 days of the initial notification. Where the investigation is not complete within 30 days, an interim report will be provided to the QFCC detailing progress of the investigation, actions taken to date, reasons for the delay, and the anticipated timeframe for completion.***
9.	Corrective Action	Where reportable conduct has occurred FMYC may take action including: • disciplinary action; • changes to duties or supervision; • termination of engagement; • training or systemic improvements; FMYC will take reasonable steps to support and protect any child who may be affected, including implementation of ongoing safety plans, modifying service arrangements, and providing referral to support services where appropriate. Where reportable conduct is not substantiated, FMYC may nevertheless implement recommendations arising from the investigation to strengthen child safety, supervision, training, policy, systems or organisational practices.

10. Allegations involving the Head of Entity or Delegate

Where an allegation involves the Head of Entity, the matter must be reported directly to QFCC, via available QFCC reporting pathways.

Where an allegation involves the person acting as delegate, the matter must be escalated to the Head of the Reporting Entity or reported directly to QFCC.

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11. Record Keeping

FMYC will maintain secure records relating to reportable conduct allegations, investigations, notifications, findings and actions taken.

Records will be retained in accordance with legislative requirements and organisational recordkeeping practices.

12. Definitions

Child: A person under 18 years.

Head of Entity: FMYC Board Chairperson.

Program Manager (Delegate): A Program Manager formally authorised under Section 3 of this policy.

Reportable Conduct: Conduct defined under section 26 of the Child Safe Organisations Act 2024 (Qld).

Reportable Allegation: An allegation that reportable conduct has occurred.

Reportable Conviction: A conviction or finding of guilt relating to reportable conduct.

Worker: Any employee, volunteer, contractor, student or person engaged by FMYC.