

Department of Families, Seniors, Disability Services and Child Safety

Child Safety POLICY

Title: Responding to reportable conduct by a family-based carer or adult household member

Policy No: 654-1

Policy Statement:

The Department of Families, Seniors, Disability Services and Child Safety (Child Safety) is committed to being a child safe organisation including meeting its legislative responsibility to participate in the reportable conduct scheme in accordance with the *Child Safe Organisations Act 2024* (CSO Act).

As a child safe organisation, Child Safety complies with the 10 child safe standards and upholds Aboriginal and Torres Strait Islander children's right to cultural safety (the universal principle). Compliance with the child safe standards and the universal principle helps to:

- protect and uphold the safety and wellbeing of children accessing Child Safety services
- ensure the quality of care experienced by a child in a family-based care arrangement is consistent with the standards set out in the statement of standards
- prevent harm to children in care, including harm caused by reportable conduct.

Under the CSO Act, workers of Child Safety have an obligation to report a reasonable belief that another Child Safety worker has committed reportable conduct. A worker of Child Safety includes employees and volunteers, such as family-based carers.

Reportable Conduct Investigations (family-based care) within the Office of the Chief Practitioner will report allegations and convictions that may involve reportable conduct by a family-based carer or adult household member to the Queensland Family and Child Commission, and undertake a timely, child-focused and culturally safe investigation. This may occur concurrently with a response by a Child Safety Service Centre to an allegation of harm or risk of harm to a child in care.

Child Safety will take appropriate action to manage risks during and following an investigation, to ensure children are safe, the integrity of the investigation is protected, and to reduce the likelihood of future reportable conduct.

Child Safety will support children in care to raise concerns about abuse or harm. Where the reportable conduct relates to sexual abuse while in care, or to conduct resulting in significant detriment caused by the actions or inactions of Child Safety, Child Safety will support children to access services to assist them in their recovery, including culturally appropriate services, and access to independent legal advice in relation to legal action they may wish to take to access compensation or redress.

Child Safety will continuously improve and strengthen systems for identifying, reporting and investigating reportable allegations and reportable convictions related to family-based carers and adult household members. Child Safety will take action to improve compliance with the child safe standards and universal principle to prevent harm to children in care caused by reportable conduct, where opportunities for improvement are identified.

Principles:

- The protection of children from harm, and the wellbeing and best interests of children are paramount.
- Children have a right to express their views freely and be supported to express their view in a way that is appropriate for their age, development, culture or diverse background.
- Children's concerns and disclosures are taken seriously, and their views are given due weight in a reportable conduct investigation.
- Aboriginal and Torres Strait Islander children have a right to experience cultural safety, free from discrimination and racism.
- Cultural safety for Aboriginal and Torres Strait Islander children is defined and determined by Aboriginal and Torres Strait Islander peoples.
- Child Safety staff recognise risks to children in care and take appropriate action to keep them safe.
- Timely collaboration and information sharing with Child Safety staff, reporting entities and the Queensland Family and Child Commission is critical to identifying, preventing and investigating reportable conduct, to reduce risk to children.
- Reportable conduct investigations apply the principles of procedural fairness.
- Family-based carers and adult household members are supported to have the knowledge and skills they require to recognise risks to children and report them to Child Safety for a timely and appropriate response.
- Family-based carers feel confident, enabled and supported to disclose safety and wellbeing concerns for children.
- Continuous improvement is integral to ensuring responses to reportable conduct are trauma-informed, child-focused, culturally safe and effective.
- Child Safety will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.

Objectives:

This policy aims to ensure that:

- Child Safety's response to reportable allegations and reportable convictions relating to family-based carers and adult household members is timely, child-focused, culturally safe, fair and transparent.
- Reportable conduct investigations reflect the cultural knowledge and authority required to maintain genuine cultural safety.
- Responses to alleged reportable conduct by family-based carers or adult household members occur in collaboration with frontline service delivery staff, the prescribed delegate of an Aboriginal or Torres Strait Islander community-controlled organisation (if relevant), the Queensland Family and Child Commission, the Queensland Police Service and other reporting entities, to reduce duplication.
- Children in care are supported to access services to assist them in their recovery and or healing journey, including culturally appropriate services, and to access independent legal advice in relation to legal action they may wish to take to access compensation or redress.

- Child Safety staff are supported to have the knowledge and skills to recognise, report and respond appropriately to harm and risk of harm to children in family-based care arrangements.

Scope:

This policy refers to reportable allegations and reportable convictions relating to family-based carers adult household members.

For the purposes of this policy, a family-based carer is:

- an approved foster carer, including a professional foster carer
- an approved kinship carer
- a foster or kinship carer applicant caring for a child in the custody or guardianship of the chief executive.

An adult household member is an adult member of a family-based carer's household in accordance with the *Child Protection Act 1999*, schedule 3.

In accordance with the *Child Safe Organisations Act 2024*, section 26, reportable conduct is:

- A child sexual offence, which means a child sexual offence under the *Criminal Code*, section 207A, an offence of a sexual nature committed in the presence of a child, or an act or omission committed outside Queensland that would be an offence if it were committed in Queensland.
- Sexual misconduct committed in relation to, or in the presence of a child, which means conduct that is sexual in nature, other than conduct that constitutes a criminal offence. For example, inappropriate touching, voyeurism, use of sexual language without a legitimate reason.
- Ill treatment of a child, which means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel. For example, making excessive or degrading demands, a pattern of hostile or degrading comments or behaviour, using inappropriate forms of behaviour management.
- Significant neglect of a child. Neglect means a failure to meet the basic needs of the child that is deliberate or reckless.
- Physical violence committed in relation to or in the presence of a child, which means the intentional or reckless application of physical force to a person without lawful justification or excuse, or an act that intentionally or recklessly causes a person to anticipate immediate and unlawful violence to the person. It does not include application of trivial, negligible or insignificant physical force to a person.
- Behaviour that causes significant emotional or psychological harm to a child. Emotional or psychological harm means detriment to the emotional or psychological wellbeing or development of a child.

Reportable conduct does not include conduct that is reasonable for the discipline, management or care of a child, having regard to the characteristics of the child, including age, developmental stage and health of the child and any code of conduct or professional standard applying to the conduct.

A reportable allegation is an allegation or other information that leads a person to form a reasonable belief that a worker of a reporting entity has committed:

- reportable conduct or

- misconduct that may involve reportable conduct.

It is irrelevant whether the alleged conduct relates to a child in care or another child. (*Child Safe Organisations Act 2024*, section 27.)

A reportable conviction is a conviction following a finding of guilt or acceptance of a guilty plea by a court, for an offence committed by a family-based carer or adult household member that may involve reportable conduct, regardless of whether a conviction is recorded. (*Child Safe Organisations Act 2024*, section 28.)

A reportable conduct investigation will occur when a reportable allegation is received by Child Safety after 1 July 2026 and:

- the alleged conduct occurred before or after 1 July 2026 and
- the person subject to the allegation is a family-based carer or adult household member at the time the allegation is received by Child Safety

or

- the alleged conduct occurred after 1 July 2026 and
- the person subject to the allegation was a family-based carer or adult household member at the time of the alleged conduct but
- is no longer a family-based carer or adult household member at the time the allegation is received by Child Safety.

A matter is out-of-scope if:

- the alleged conduct occurred before 1 July 2026 and was reported before 1 July 2026
- the alleged conduct occurred before 1 July 2026 and is reported after 1 July 2026, and at the time of Child Safety becoming aware of the alleged conduct, the person subject to the allegation is no longer a family-based carer or adult household member.

Roles and Responsibilities:

The centralised team Reportable Conduct Investigations (family-based care) in the Office of the Chief Practitioner fulfill the department's obligations under the reportable conduct scheme, as they relate to reportable allegations and reportable convictions of family-based carer or adult household members. This includes making reports to the Queensland Family and Child Commission about the investigation, including findings and risk management action, and disclosing relevant information with prescribed RCS entities for a permitted purpose under the CSOA.

Investigations are undertaken collaboratively with frontline service delivery staff, who respond to concerns about the standards of care or harm to a child in care in accordance with the relevant policy and Child Safety Practice Manual procedures. Actions taken to investigate a reportable conduct investigation will not duplicate the actions taken by a Child Safety Service Centre to assess harm or risk of harm to a child in care. Instead, the information gathered from relevant sources including the child, the family-based carer or the adult household member, will be used to inform investigation findings.

Reportable Conduct Investigations (family-based care) are responsible for:

- receiving allegations of reportable conduct about a family-based carer or adult household member
- deciding if an allegation is a reportable allegation or reportable conviction
- investigating a reportable allegation or reportable conviction in collaboration with frontline service delivery staff
- supporting Child Safety Service Centre staff to
 - conduct quality responses to alleged harm to a child in care and
 - take appropriate risk management action to keep children safe, including in consultation with a prescribed delegate of an Aboriginal and Torres Strait Islander community-controlled organisation, if relevant
- advising the Queensland Family and Child Commission of a reportable allegation or reportable conviction and providing subsequent necessary reports relating to an investigation in accordance with legislative obligations
- exchange relevant information with frontline service delivery staff, other reporting entities and the Queensland Family and Child Commission for the purposes of safeguarding children
- identifying actions to improve Child Safety staff's ability to identify, report and investigate reportable conduct
- making recommendations to strengthen the department's compliance with the child safe standards and universal principle, to prevent harm to children in care.

Other work units are responsible for policies and procedures that help to prevent reportable conduct through:

- ensuring the people caring for children are suitable and safe (through screening and assessment processes)
- providing carer training to help family-based carers understand their role and responsibilities
- ensuring carers receive adequate support to keep children in care safe and to meet the standards of care set out in the statement of standards.

Other work units are responsible for policies and procedures where reportable conduct relates to sexual abuse of a child while in care or to conduct resulting in significant detriment to a child caused by the actions or inactions of Child Safety. This includes providing access to services to support children in their recovery and or healing journey, and access to justice, including culturally appropriate services, and to access independent legal advice in relation to legal action they may wish to take to access compensation or redress.

Authority:

Child Safe Organisations Act 2024

Child Safe Organisations Regulation 2025

Delegations:

Refer to the instruments of delegation relevant to responding to reportable allegations and reportable convictions by family-based carers and adult household members.

Records File No.: Not applicable

Date of approval: 4 May 2026
Date of operation: 1 July 2026
Date to be reviewed: 30 June 2029

Office: Office of the Chief Practitioner
Help Contact: Reportable Conduct Investigations (family-based care)

Links:

Procedures

Child Safety Practice Manual

Related Policies

Carer learning and support (457)

Carer participation (460)

Child safe organisation policy

Critical Incident Reporting

Decisions about Aboriginal and Torres Strait Islander children (641)

Foster care training (383)

Participation of children and young people in decision-making (369)

Placement of children in care (578)

Responding to concerns about the standards of care (326)

Response to children who are sexually abused while placed in care (627)

Response to children who have experienced significant detriment caused by the actions or inactions of Child Safety (634)

Related Legislation or Standard

Human Rights Act 2019

Working with Children (Risk Management and Screening) Act 2000

Child Protection Act 1999

Child Protection Regulation 2023

Responding to reportable conduct by a family-based carer or adult household member (654-1)

Statement of Commitment between the Department of Child Safety, Youth and Women and the foster and kinship carers of Queensland

Belinda Drew
Director-General