

**Colin
Biggers
& Paisley**

First 90 days of the Reportable Conduct Scheme

Partners: Megan Kavanagh and Leanne Dearlove

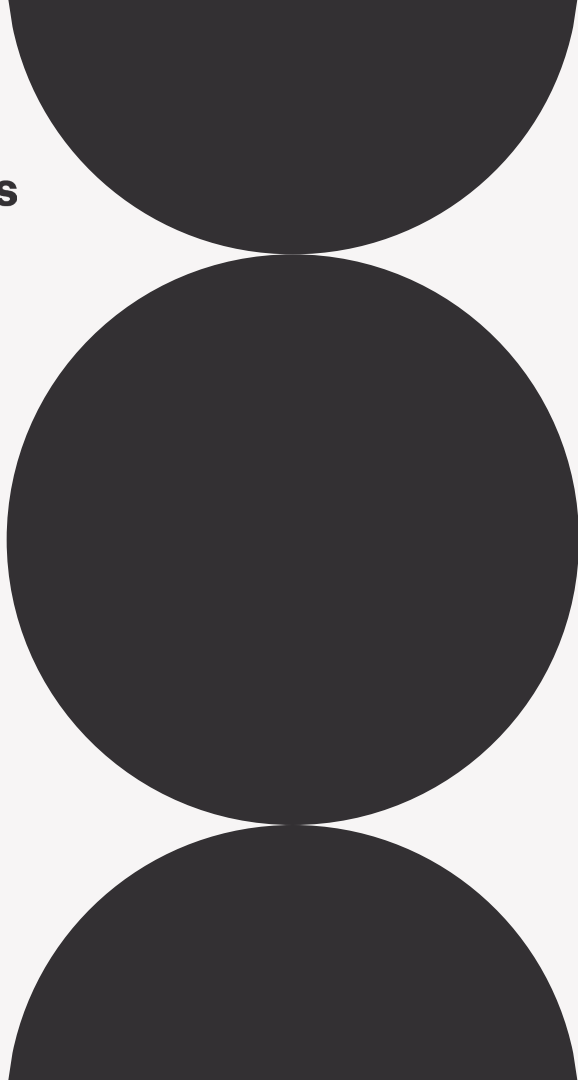
Guest speaker - Wade Howell, Safeguarding Services

Thursday 29 October 2026



Agenda

- What is Reportable Conduct
- What staff need to be aware of in relation to recognising and reporting reportable conduct
- What is considered significant emotional or psychological harm
- What needs to be done in the three business day timeframe
- What are we seeing in the first 90 days of the scheme
- Common mistakes that are emerging
- Queensland Protection Commission
- What information should Boards be seeking from their organisation
- Insights from Wade Howell at Safeguarding Services



**Colin
Biggers
& Paisley**

Queensland Reportable Conduct Scheme

Child Safe Organisations Act 2024

Reportable Conduct Includes

- **Child sexual offences:** Any criminal sexual offence against a child, or in the presence of a child (e.g., assault, grooming, exploitation material).
- **Sexual misconduct:** Inappropriate sexual behaviour that doesn't meet the criminal threshold, includes conduct in relation to, or in the presence of a child (e.g., inappropriate touching, use of sexual language without reason).
- **Ill-treatment:** Seriously improper or cruel treatment (e.g., excessive discipline, degrading comments or behaviour).
- **Significant neglect:** Reckless or deliberate failure to meet a child's basic needs.
- **Physical violence:** Intentional or reckless application, or threat of, physical force to a person without lawful justification (does not include trivial, negligible or insignificant physical force).
- **Significant emotional and psychological harm:** Detriment to the emotional or psychological wellbeing or development of a child.

Does Not Include

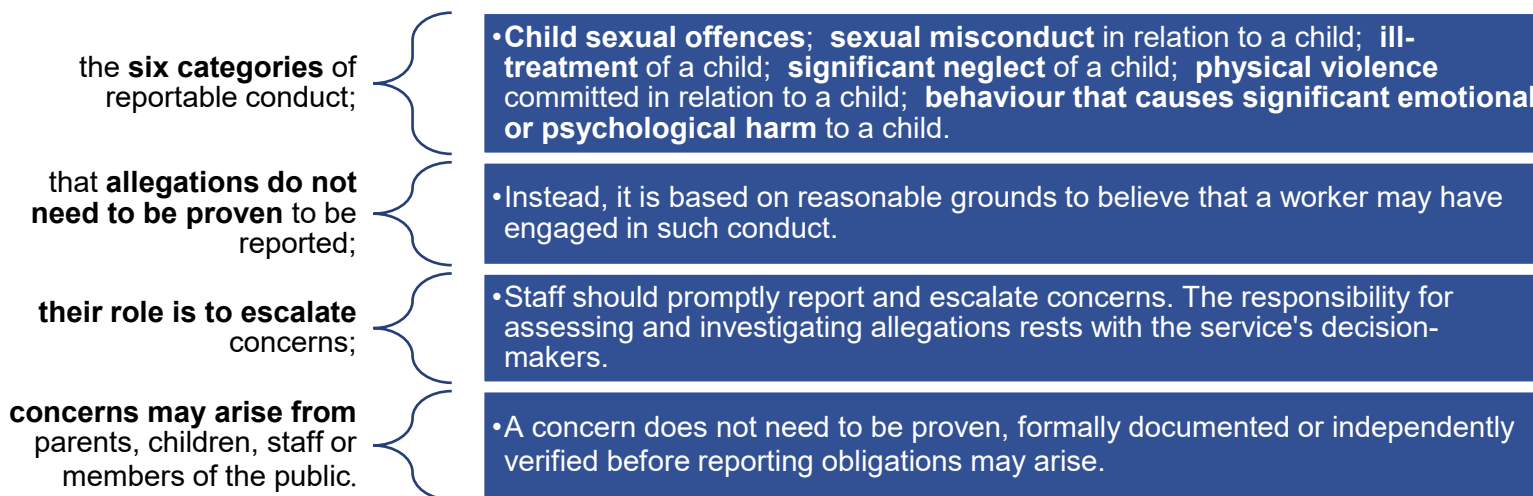
Conduct that is reasonable for the discipline, management or care of a child having regard to:

- the characteristics of the child, including the age, developmental stage and health of the child; and
- any code of conduct or professional standard applying to the conduct.

Recognising and reporting

Would staff recognise a reportable allegation?

Staff should understand:



“Significant” emotional or psychological harm

THE ACT: *Significant emotional or psychological harm*, to a child, means detriment to the emotional or psychological wellbeing or development of a child.

QFCC GUIDANCE: **Significant** (in context) more than trivial, negligible or insignificant. Usually describes conduct or harm that is serious, has ongoing effects, or poses a real risk of harm when repeated or left unchecked. For example, ‘significant emotional harm’ is more than a momentary upset.

How is it identified?

Behavioural Changes

- Distress or emotional dysregulation
- Anxiety or heightened fear
- Withdrawal from peers or activities



Severity

- Harm must be serious, not trivial
- Ongoing effects on wellbeing
- Impact on child’s development



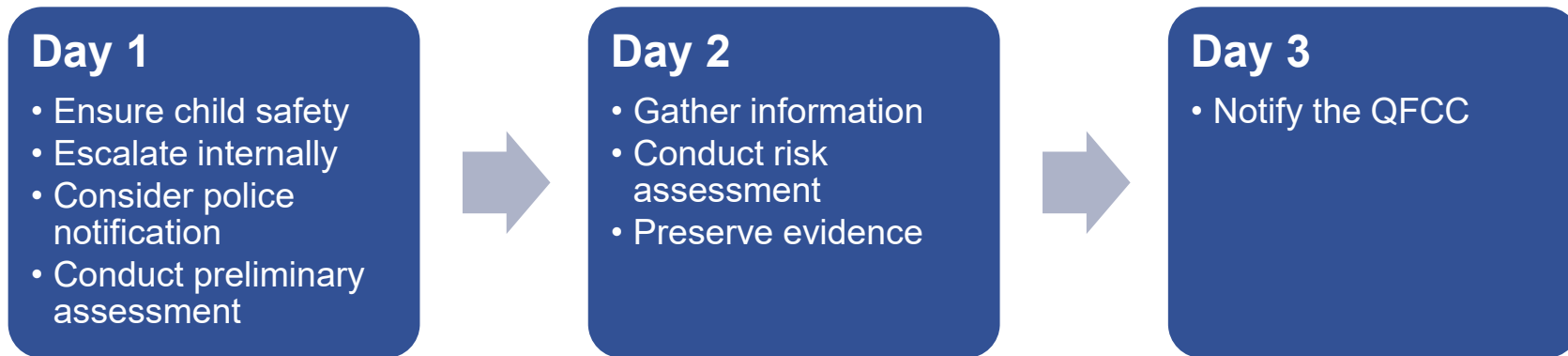
Assessment

- Observed behavioural indicators
- *Reasonable Belief* is the threshold

When in doubt, report.

If you have a reasonable belief that an employee's conduct has caused significant emotional or psychological harm to a child, it is always better to report to the head of the entity.

The three-business-day timeframe



This is not an investigation period.

The purpose is to **determine whether the allegation may be reportable**.

The first 90 days: what are we seeing?

Sources: QFCC / Queensland Government, 7 September 2026

High reporting volumes from commencement

- 666 notifications were received in the first two months.
- The QFCC has opened 572 active monitoring cases.
- Organisations appear willing to notify early rather than wait for complete information.

The Scheme is identifying serious safeguarding concerns

- 199 matters were referred to Queensland Police (approximately 30% of notifications).

Childcare is prominently represented

- Childcare providers are generating a significant proportion of notifications and inquiries.

Organisational response is under the spotlight

- The regulator is receiving visibility of how organisations assess, report and manage allegations.
- Decisions made in the first few days following a concern are becoming increasingly important.

Information sharing is leading to immediate protective action

- 39 Blue Cards were suspended based on information obtained through the Scheme.

Common mistakes emerging

What are providers getting wrong?

- ✗ Waiting for an investigation before notifying
- ✗ Treating the assessment as a misconduct finding
- ✗ No after-hours escalation pathway
- ✗ Poor documentation of risk assessments
- ✗ Assuming a National Law notification satisfies QFCC requirements

**Colin
Biggers
& Paisley**

On the horizon ...



**Queensland
Government**

Queensland Protection Commission: Commencing 1 February 2027

The Queensland Protection Commission Bill 2026 has passed Parliament. The QPC will commence on 1 February 2027 as Queensland's central child and vulnerable person safeguarding authority. The reforms respond to recommendations arising from the Child Death Review Board's In Plain Sight review.

- The QPC will bring together key safeguarding functions, including the:
 - **Reportable Conduct Scheme**
 - Working with Children Check (**Blue Card**) Scheme
 - Disability Worker Screening (**Yellow Card**) Scheme
- to improve oversight, information sharing and risk assessment across regulatory functions.

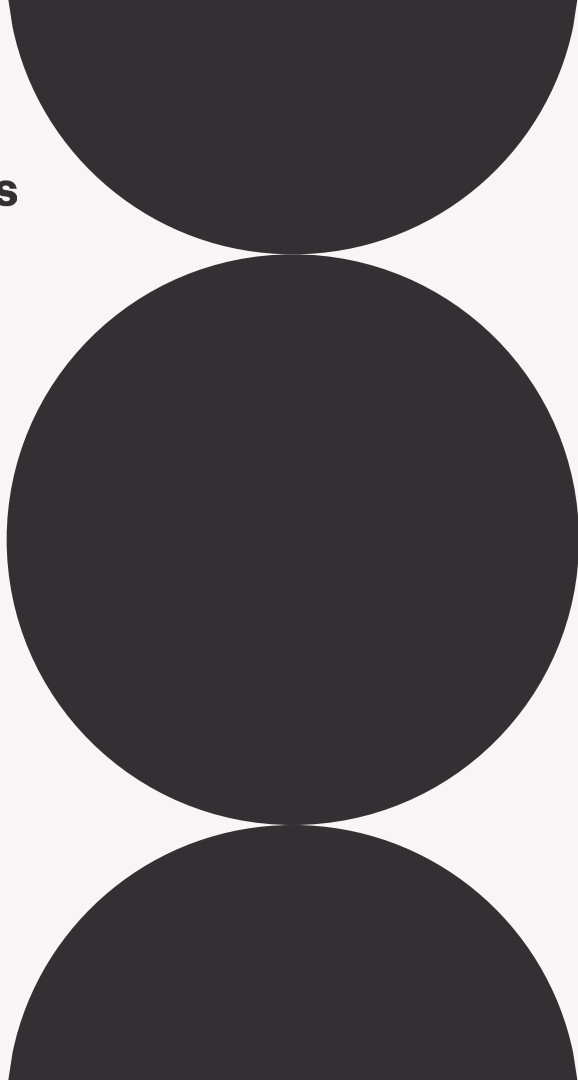
The legislation also increases penalties for several safeguarding offences, including failures by a head of a reporting entity to notify the regulator of reportable conduct allegations or relevant convictions.

Intelligence hub

"The hub will collect, analyse, connect, and act on vital pieces of intelligence across agencies and sectors to eliminate the risk of child offending before it becomes harm."

Attorney-General, Hon. Deb Frecklington MP (June 2026).

The intelligence hub is expected to commence in **March 2028**.



**Colin
Biggers
& Paisley**

Governance

What should boards be asking?

- How are reportable conduct concerns identified and escalated?
- Who determines whether a notification is required?
- What assurance do we receive about compliance with the three-business-day timeframe?
- What trends are emerging from allegations and notifications?
- Are there recurring concerns involving particular settings, activities or cohorts?
- How are lessons learned incorporated into safeguarding practices?

Wade Howell

Safeguarding Services

Specialists in safeguarding investigations and consulting for organisations that care for children, young people and vulnerable adults.



SAFEGUARDING
SERVICES

Wrap Up

- It's early days for the reportable conduct scheme in Queensland but it is already highly active with almost 700 notifications and over 570 active monitoring cases
- Staff need to understand the categories of reportable conduct and understand the six categories of reportable conduct and understand that the obligation to notify is when it is an allegation - you can't wait until the issue is investigated before you determine whether or not to notify
- Notification must be done within 3 business days
- Good governance and documentation are critical - there must be a clear escalation procedure (including for when someone becomes aware of an allegation after hours or on the weekend)
- Organisations must be ready for their safeguarding decisions, records and processes to face increasing scrutiny
- When appointing investigators, ensure the chosen investigator has the required skills to undertake a safeguarding investigation

Questions?



Thank you.



Megan Kavanagh

Partner | Colin Biggers & Paisley
Megan.Kavanagh@cbp.com.au



Leanne Dearlove

Partner | Colin Biggers & Paisley
Leanne.Dearlove@cbp.com.au



Wade Howell

Investigations Manager
Safeguarding Services

**Colin
Biggers
& Paisley**

Thank you.

© 2026 Colin Biggers & Paisley Lawyers

No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means—electronic, mechanical, photocopying, recording, or otherwise—without the permission of Colin Biggers & Paisley Lawyers.

This document provides an outline of a presentation and is incomplete without the accompanying oral commentary and discussion.

COMPANY CONFIDENTIAL

cbp.com.au