



Home > Child safe
organisations > Reportable
conduct scheme > COVID-19 -
Disruption of service

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Administration of the Reportable Conduct Scheme during the COVID-19 pandemic

In response to the COVID-19 pandemic, the Office of the Children's Guardian's Reportable Conduct Directorate will be delivering services remotely which may result in some disruption of service.

We will keep you informed as circumstances change.

Please see [Disruptions to our reportable conduct service](#) below.

Expectations for relevant entities

We understand that the COVID-19 pandemic may impact the capacity of relevant entities to fulfil their obligations under the Reportable

Conduct Scheme including meeting reporting and investigation timeframes.

The paramount consideration when responding to reportable allegations must be the safety, welfare and wellbeing of children. To the extent possible, we also expect that entities direct their resources to minimise the impact on employees who are the subject of reportable allegations.

Offences and penalties

Some relevant entities hold concerns about the penalties for noncompliance with reportable conduct obligations under the Children's Guardian Act – specifically the 7-day, 30-day and entity reporting obligations.

Please note:

- these penalties do not apply until June 2020
- most of the offences include 'reasonable excuse' exceptions
- the Children's Guardian has discretion over whether to issue a penalty notice for non-compliance.

Please be assured that during the challenging months ahead, the Children's Guardian will not impose penalties for non-compliance with Reportable Conduct obligations other than in egregious cases of noncompliance that put a child at risk or cause hardship for an employee in circumstances where there is no reasonable excuse.

7-day notifications

Relevant entities must continue to notify the Children's Guardian of any new reportable allegations they become aware of. [Notify us using the 7-day notification form.](#) ([175.7KB](#))

Notifications are required within 7 business days of the head of the relevant entity becoming aware of the reportable allegations. However, a failure to comply with the 7-day timeframe is not an offence in circumstances where the head of the relevant entity has a reasonable excuse. Where a notification is submitted outside this timeframe, please ensure you include the reasons for any delay at part 1.3 of the notification form.

If you are delayed in notifying a particularly serious matter, please contact to discuss the steps you are taking to manage any associated risks on (02) 8219 3800.

Interim reports

The Children's Guardian Act requires a relevant entity to submit an interim report to the Children's Guardian within 30 calendar days of becoming aware of a reportable allegation or conviction (unless exempted or an entity report is submitted – see below). [Notify us using the 30-day interim report form.](#) ([112.4KB](#))

While there is no statutory exception to this obligation, be assured that the Children's Guardian exercises discretion for non-compliance with this requirement.

Investigations and entity reports

Unless exempted, heads of relevant entities are required to investigate, or arrange the investigation of, reportable allegations or convictions as soon as practicable after receiving a report, and these investigations must be completed within a reasonable time.

Unless exempted, or there is a reasonable excuse, relevant entities must prepare and submit an entity report to the Children's Guardian after completing an investigation of a reportable allegation or a determination of a reportable conviction. [Notify us using the Entity report form \(133.8KB\)](#) with relevant supporting documentation attached.

Please alert us to any likely delays your entity is facing in conducting investigations or preparing investigation reports. This is best done case-by-case using the interim report. However, if your entity has a high volume of active reportable allegations or widespread service disruptions, please contact us to discuss your circumstances.

[All the forms are available on our notification forms page.](#)

Disruptions to our reportable conduct service

Enquiries

We have experienced a high volume of enquiries since our transition to the Office of the Children's Guardian. Against this background, and, in light of the COVID-19 pandemic, please understand that we have

reduced capacity for swift response to enquiries. However, we will respond to all enquiries at the earliest possible opportunity, prioritising any urgent matter.

Enquiries about the Reportable Conduct Scheme

- Email: reportableconduct@kidsguardian.nsw.gov.au
- Phone: (02) 8219 3800 – you will be asked to leave a voicemail and we will return your call.

If your enquiry is urgent, please make this clear in your voicemail and provide details of the nature of the urgency.

Assessment and feedback to entities

We will continue to provide feedback to entities on investigation reports as soon as our resources allow.

If you are waiting for feedback on an investigation report in circumstances where you hold any concern that a child may be at risk or that an employee may have been treated unfairly, please contact us.

Complaints

There may also be delays in responding to complaints about reportable allegations or about the handling of reportable allegations or convictions by relevant entities.

If you have an active reportable conduct complaint, we will manage

your complaint as soon as resources allow. However, please note that in assessing an entity's response to the issues you have raised, and when making decisions about whether to pursue your complaint further, we must consider any circumstances impacting the entity's capacity to respond at this time.

Our decisions about what, if any, action to take on new complaints will depend on the relevant entity's current capacity to respond to your concerns and our own capacity to initiate inquiries.

Briefings and training

The Reportable Conduct Directorate has suspended face-to-face briefings and training until further notice. [More information about the Reportable Conduct Scheme is available on our Fact sheets page.](#)