

INFORMATION SHEET



REQUESTING AND RECEIVING REPORTABLE CONDUCT INFORMATION

If you are a designated entity under the ACT Reportable Conduct Scheme, you can request reportable conduct information from the Community Services Directorate.

Under Division 25.3.3 of the *Children and Young People Act 2008*, reportable conduct information can be provided to designated entities in response to a written request.

A 'designated entity' refers to an employer covered by the ACT Reportable Conduct Scheme and is defined under section 17D in the *Ombudsman Act 1989*. Designated entities include:

- all ACT Government directorates
- health service providers
- kinship and foster care organisations
- residential care organisations
- government and non-government schools
- childcare services
- education and care service providers, such as after school care, or
- any other entity prescribed by regulation.

Requesting information

All requests for information should be sent to reportableconductcsd@act.gov.au using the **Request for reportable conduct information** form.

Under section 863(B)(2) of the *Children and Young People Act 2008*, any information you request has to be relevant for you to do any of the following for the safety, welfare or wellbeing of a child or young person:

- make a decision or an assessment
- plan, begin, or conduct an investigation, or
- provide any other service in accordance with your functions.

Information can also be requested where it is needed to manage a risk to a child or young person. Any information requested will need to relate to reportable conduct by a current employee of your organisation (though the information you request may not necessarily be about that employee).

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A request has to specify how the information relates to the matter being investigated or to the risk to a child or young person. This is to avoid broad requests for information that could constitute 'fishing' for information.

It is your responsibility to provide sufficient information for the Community Services Directorate to establish the relevance of the request under section 863C of the *Children and Young People Act 2008*.

Authority for requesting information

A request for reportable conduct information must come from the head of your organisation or a person who has the appropriate authority to make a request.

If you are making a request on behalf of your organisation, you must satisfy us that you have appropriate authority to make that request. This will be either through a written authorisation from the head of your organisation or where your role or function makes it clear you have the authority to make the request.

Information Community Services Directorate can provide

The Community Services Directorate can provide information on a person who has been found responsible for abuse or neglect of a child. Other relevant information may be provided on a case-by-case basis.

We will not collect new information or undertake a separate assessment in order to respond to a request.

Information provided may include protected and sensitive information.

Protected Information relates to the health, safety or wellbeing of a child or young person (and is defined in section 844 of the *Children and Young People Act 2008*).

Sensitive information can include a person or child who is identified in a report or a source of information (and is defined in section 845 of the *Children and Young People Act 2008*).

All sensitive information provided under the reportable conduct scheme will be de-identified before it is provided. This is necessary to protect the identity of children and information sources.

Providing information

The Community Services Directorate will only provide reportable conduct information to the head of a designated entity.

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Obligations as an entity receiving information

As soon as the head of a designated entity receives information in response to a reportable conduct request, they become an 'information holder' under chapter 25 of the *Children and Young People Act 2008*.

Information holders have a legal responsibility to comply with the requirements set out in the *Children and Young People Act 2008* and the *Information Privacy Act 2014*.

Information holders must protect the identity of a child or an information source, where information has been provided to them. While information that could identify a child or an information source will be de-identified, there may be circumstances where the identity could be inferred from the information provided.

Restriction on the use of information provided

Under section 863D of the *Children and Young People Act 2008*, any information given by the Community Services Directorate to the head of an entity must not be used or given for a purpose that is not associated with the safety, welfare or wellbeing of a child or young person.

Further Information

For more information, contact the Community Services Directorate on 133 427.

Also see:

ACT Ombudsman Reportable Conduct Scheme

Children and Young People Act 2008

Ombudsman Act 1989

Information Privacy Act 2014

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Accessibility

The ACT Government is committed to making its information, services, events and venues, accessible to as many people as possible.

If you have difficulty reading a standard printed document and would like to receive this publication in an **alternative format** – such as large print or audio – please telephone **(02) 6207 0334**.

If English is not your first language and you require the **translating and interpreting services** – please telephone **131 450**.

If you are deaf or hearing impaired and require the **Text telephone (TTY) Service**, phone **133 677** then ask for **133 427**