

# Reportable conduct investigations and the NSW Police Force

## The NSW Reportable Conduct Scheme – Fact Sheet 13

October 2025

[reportableconduct@ocg.nsw.gov.au](mailto:reportableconduct@ocg.nsw.gov.au)

Under the NSW Reportable Conduct Scheme (Scheme), heads of “relevant entities” have a number of obligations in connection with allegations against their employees (including contractors and volunteers). These obligations are set out in the *Children's Guardian Act 2019* (the Act).

The purpose of the Scheme is to protect children by ensuring child abuse allegations (called “reportable allegations” and “reportable convictions”) are properly addressed, fostering a child safe culture and improving organisational responses to child safety concerns.

This fact sheet is designed to assist heads of relevant entities, their delegates and investigators to navigate their reportable conduct obligations when reportable allegations also involve alleged criminal conduct and police are investigating.

---

## Role of the NSW Police Force

In reportable conduct matters, police will have a role where there are allegations that an offence has been committed against a child or young person. The *Crimes Act 1900* is the legislation that police predominantly rely upon in investigating and prosecuting these offences.

Reportable allegations can be investigated by the police through the local Police Area Command (PAC) or Police District (PD), or sometimes a more specialist unit within the police, such as the Child Abuse Squad or the Sex Crimes Squad. In some circumstances, the NSW Police Force (NSWPF) works with specialised staff from the Department of Communities and Justice (DCJ) and NSW Health in responding to allegations of sexual abuse, serious physical abuse, or serious neglect, in a coordinated response called the Joint Child Protection Response Program (JCPRP). There are also occasions where police may work with their interstate counterparts, particularly in border locations, or the Australian Federal Police.

When a reportable allegation constitutes an alleged criminal offence, any criminal investigation into the allegations takes precedence over the reportable conduct investigation. In this regard, section 33 of the *Children's Guardian Act 2019* (the Act) reflects an intention that entities will generally suspend their reportable conduct investigation when police are involved, unless and until police provide clearance to proceed.

This Fact Sheet will help you navigate your reportable conduct response while a police investigation is concurrently underway and provides you with an overview of what you can expect from police in these matters. In this regard, the NSWPF response to reportable conduct matters is guided by a set of standardised operating procedures (SOPs), which clearly outline police and investigator responsibilities and provide guidance to NSW police officers around liaising with entities during concurrent investigations.

---

## Reporting criminal allegations

Criminal allegations must be reported to police at the earliest opportunity and entities must obtain guidance from police before taking any action that could compromise a criminal investigation.

Sometimes, it will be very clear that a report to police is required. For example, if you receive a report about sexual assault of a child, or a serious physical assault. At other times, it may be less clear. The NSWPF encourages all matters to be reported. It is critical that criminal allegations be reported immediately to police, as taking risk management action or commencing investigative steps before consulting with police may jeopardise a police investigation.

Some failures to report criminal allegations to police will constitute a criminal offence. For example, s316A of the *Crimes Act 1900* sets out an offence for concealing child abuse in relation to a failure to report a child abuse offence to police. A failure to report allegations of criminal abuse of a child may also constitute reportable conduct in some circumstances.

Upon making a report, police will provide you with advice to prevent you from taking any action that may prejudice a police investigation. See below for what to expect when you make a report.

While a report to the Child Protection Helpline may be sent by the Department of Communities and Justice (DCJ) to police when DCJ identifies that it involves alleged criminal offences, this can take time. The NSWPF does not support a stand-alone report to the Helpline for matters that involve criminal offences against children. In these cases, it is the responsibility of the NSWPF to ensure the safety and wellbeing of the child involved. The Office of the Children's Guardian (OCG) advises relevant entities to report to both DCJ and police when a criminal allegation also requires a Helpline report, to ensure the most timely and appropriate response. A report to the NSWPF should take precedence over a report to the Helpline, and the report subsequently made to the Helpline should also include the details of the police report (including the name of the police officer who took the report and the Event reference), so that DCJ can coordinate its response with police.

Some relevant entities have established relationships with key senior police within a PAC or PD and are able to initiate contact with them to make a report. Otherwise, the most effective way to make a report to NSW Police is to attend your local Police station in person. However, it can be helpful to contact the station in advance by phone to alert them of your intention to make the report. There will be occasions when police may prefer to send police to your location to take the report. Other options for reporting to police include a report to Crimestoppers (Crime Stoppers NSW – Report Criminal Information) or using the relevant police incident notification form. The link to the available NSW Police Force reporting forms is provided here: [Report - NSW Police Public Site](#)

If you attend your local police station to make a report, inform the officer at the desk that you are there to report an alleged criminal offence against a child. Be sure to take with you the names and contact details of the children who are the alleged victims, the person who is the subject of the allegations, and any witnesses. Provide police with all the detail you have received about the matter, in a full and factual manner, without letting your personal view of the allegations influence your report. It can be helpful to take with you a copy of any incident reports or complaints to provide directly to police for their assessment. Alert police to the existence of any other evidence which is available such as CCTV footage, workplace records, or electronic records like social media content, particularly if there is the chance that this evidence could be lost without a timely response. It is also helpful to explicitly alert police to your reportable conduct obligations and your awareness of the police SOPs for Employment-Related Child Abuse Allegations, which are available to police on the police intranet. If you have also made or will make a report to the Helpline, you should let police know about this. Police will provide you with a COPS event reference number for your report to police. Keep a record of this reference number and record the names of the officers who take your report. This information should be documented in your organisation's records and provided to the OCG as part of your reportable conduct documentation.

If police immediately assess that the allegation is not criminal and that they otherwise will not take any action (for example from a crime prevention perspective), they will let you know. It is important to ask any questions you have about this assessment so that you can provide an explanation to the OCG as part of your reportable conduct response.

During the course of a police investigation, the safety, welfare and wellbeing of children remains the paramount consideration. You should discuss with Police any immediate risk concerns that you consider require management, so that police can provide guidance on steps you can take without compromising any police response. These may include risks arising from the subject person's employment with your entity; risks arising from alternative employment or volunteer activities; and risks which might arise in the subject person's home life. It is critical that proposed risk management action is discussed with investigating police and is documented.

---

## Historical allegations

If you receive a historical allegation against a current or former employee involving an alleged victim who is no longer a child, you will also need to consider whether it reaches the criminal threshold and whether it warrants a report to police. If the subject employee works with children, a report to the Helpline should also be considered for a class of children. [Adult victims can make reports via the NSWPF website through the Sexual Assault Reporting Options.](#)

Historical allegations can be complex, and there are additional factors to consider when handling a historical matter. Our [Fact Sheet 14 – Guidance for historical reportable allegations](#) provides guidance around handling historical matters.

---

## What to expect when police are aware of criminal allegations against your employee

Police receive reports from many sources and may become aware of criminal allegations against your employee before you do. The police SOPs canvass this scenario, providing that – where police are aware that the person the subject of criminal allegations is engaged in child-related employment – the relevant Command will notify the employer of the allegations as soon as practicable.

Whether police have received the report from your entity or police alert your entity to the allegation, the SOPs recognise the importance of police keeping entities informed of the progress of the police response on a regular basis and providing guidance around risk management while the reportable conduct investigation is suspended.

---

## What to expect when police are investigating criminal allegations against your employee

The SOPs outline that police will aim to let entities know as soon as practicable, and within 48 hours, of police involvement. Police will also consider what, if any, information may be disclosed to the entity under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (Chapter 16A).<sup>1</sup> Bearing this and the importance of maintaining the integrity of the police response in mind, police may provide the employing entity with the following information:

- contact details for the officer in charge
- expected timeframes for updates
- whether the entity can alert the employee to the nature of the allegations
- whether the entity can inform the employee about the police involvement
- any known information relating to the safety, welfare or well-being of a particular child, young person or a class of children or young people where this is relevant to the entity for the purpose of assessing and managing risks.

Police will aim to discuss these matters with the relevant entity to ensure a shared understanding about how to proceed.

---

## Risk Management

Managing risk in reportable conduct matters can be complex and often involves balancing multiple considerations. In some cases, it may be necessary to revisit risk management arrangements with police throughout the course of a police investigation. If you hold concerns about risk management arrangements after consulting with the officer in charge of an investigation, you can contact the supervisor of the police officer involved. If you remain concerned, contact the OCG case officer (or the Reportable Conduct Directorate via [reportableconduct@ocg.nsw.gov.au](mailto:reportableconduct@ocg.nsw.gov.au) (if you do not have a case officer's contact details), and we may liaise with police about potential options.

---

<sup>1</sup> The purpose of Chapter 16A in the *Children and Young Persons (Care and Protection) Act 1998* is to prioritise the safety, welfare and wellbeing of a child or young person over an individual's right to privacy. Chapter 16A allows prescribed bodies (government and non-government) the authority to share relevant information about children and young people to collaboratively promote their safety, welfare and wellbeing. This information sharing does not require consent from the related person(s).

---

## Managing timelines

Section 34 of the Act requires relevant entities to complete their reportable conduct investigations within a reasonable time, in recognition that delays in the investigative process can have significant negative consequences for the parties involved and the investigation itself, including children placed at ongoing risk, loss of evidence, negative impacts on the employee who is the subject of the allegation, and outcomes that are procedurally unfair.

When a reportable conduct investigation is suspended due to a concurrent criminal investigation, entities have limited control over timeliness. Many criminal investigations will take months to investigate. When a police investigation or a resultant prosecution is prolonged, the SOPs recognise the importance of the investigating Command providing the entity with regular status updates. In this regard, it is helpful to reach an agreement with the investigating Command about the frequency and manner of providing these updates. In practice, it is important to acknowledge that police from PACs/PDs deal with multiple crime types, with daily emerging criminal issues, and this may impact on the frequency with which they can provide updates to entities.

Occasionally, criminal investigations can stall, and the entity may hold concerns about fairness to the employee who is subject to an allegation as a result – for example, if the employee has been suspended from duty or placed on alternative duties. If you become concerned that a police investigation into allegations against your employee has become unnecessarily protracted, you can raise this with the officer in charge in the first instance and contact the officer's supervisor if you remain concerned. Let the OCG know about any concerns of this type and steps you are taking to resolve them, and we may be able to assist.

---

## What to expect when police suspend or conclude their investigation into criminal allegations against your employee

The police SOPs provide that police will inform the employing entity as soon as practicable, and at any rate within 48 hours, of a concurrent police investigation being suspended or closed without proceeding to court proceedings.

In these circumstances, police will also provide the employing entity information relating to the safety, welfare or well-being of a child or young person if doing so will assist the entity to manage risks or conduct a reportable conduct investigation.

There may be some circumstances in which police suspend or close their investigation, but do not issue clearance to an entity to carry out their investigation. For this reason, it is important to confirm both that the police investigation has been concluded, and that clearance is issued for the reportable conduct investigation to proceed. Where the police investigation has closed but clearance for the reportable conduct investigation is withheld, the circumstances of the matter can be discussed with the OCG and the matter may be eligible for an exemption.

---

## Requesting information from Police under Chapter 16A

Police may provide high-level information to you at the conclusion of their investigation; however, this generally will not include documentation that may be relevant to your reportable conduct investigation.

If you have reason to believe that police have information that will assist you to progress your reportable conduct investigation, you can apply to obtain relevant information from police under Chapter 16A. Your request should outline the information you are seeking; identify the individual child or young person (or the class of children or young people) to which your request relates; and provide the grounds for the request. You should explain how this information will further your

investigation or risk assessment (including a risk assessment for a class of children) as well as how this process will satisfy the purpose of Chapter 16A – that is, promoting the safety, welfare and wellbeing of children or young people.

Chapter 16A confers a positive obligation on prescribed bodies to release information to another prescribed body where the purposes of s245D *Children and Young Persons (Care and Protection) Act 1998* are met. While prescribed bodies can decline to release information, they must provide reasons for a refusal.

The NSWPF preference is for Chapter 16A requests to be made via correspondence to the Commissioner of Police:

- Mail – Locked Bag 5102, Parramatta, NSW, 2124
- Email – [secretariat@police.nsw.gov.au](mailto:secretariat@police.nsw.gov.au)

While entities can request information directly from a PAC or investigator, requests to the Commissioner of Police will ensure you receive a reference number and a timely response through the NSWPF Infolink Command.

---

## Contacts

- OCG Reportable Conduct Directorate [reportableconduct@ocg.nsw.gov.au](mailto:reportableconduct@ocg.nsw.gov.au)
- [Contact Us - NSW Police Public Site](#)
- DCJ's Child Protection Helpline: 13 21 11

### Office of the Children's Guardian

[www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au)

[reportableconduct@ocg.nsw.gov.au](mailto:reportableconduct@ocg.nsw.gov.au)