



# Child Safety, Wellbeing & Reportable Conduct Policy



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# Purpose

This policy recognises the importance of child safety in delivering quality community services and enhances public trust by:

- Upholding our commitment to safeguarding children younger than 18 while supporting their active participation in services and activities as valued members of the community.
- Strengthening community confidence by ensuring accountability in responding to allegations of reportable conduct.
- Placing importance on compliance with the Victorian Child Safe Standards across all of our services.

# Scope

This policy applies to all people elected to, employed by, and working within Wyndham City Council, including Councillors, Advisory Committee Members, staff (temporary and contracted) and volunteers (registered and student). Reportable Conduct allegations may be made in the context of the work environment and in a person's personal life.

# Policy Objectives

1. Wyndham City Council will maintain a safe environment that minimises the risk of harm to children, aligns with community expectations and complies with legislation.
2. We will foster a culture where our people advocate for child safety, empower children, respect their rights and listen to their voice.
3. We will embed the 11 Victorian Child Safe Standards at all levels of the organisation, ensuring procedural fairness and natural justice.
4. We will take all child abuse allegations, complaints and concerns seriously while upholding privacy and confidentiality.
5. Our people will act with integrity and respect, promptly reporting child safety related misconduct, risks or concerns.
6. We are committed to safeguarding and respecting Aboriginal and Torres Strait Islander children and recognising their unique cultural heritage, upholding their rights, and providing a nurturing environment that honours their traditions and promotes positive well-being.



# Definitions

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**Aboriginal or Torres Strait Islander** – A child or young person up to the age of 18 years who is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.

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**Allegation** – A disclosure made to a line manager or the Child Safe Officer(s), which alleges that reportable conduct has occurred and that there is reasonable belief to substantiate this allegation.

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**Child Safe Management** – Key Wyndham staff involved in the planning, organising, leading, and support the implementation and monitoring of child safety and wellbeing practices.

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**Child** – any person under the age of 18.

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**Child Safety** - Encompasses matters related to protecting all children from child abuse and neglect, intervening early where concerns arise, preventing abuse where possible, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

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**Grooming** - Many perpetrators of sexual offences against children purposely create relationships with children and young people, their families, and carers in order to create a situation where abuse could occur. Grooming concerns predatory conduct undertaken to prepare a child for sexual activity. This may include:

- Spending special time with a child e.g. in private settings, away from the organisation, online,
- Isolating the children or young person from family and peers,
- Giving gifts to a child & showing favouritism,
- Allowing the child to step out of boundaries or rules,
- Touching the child, and Testing and breaking professional boundaries.

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**LGBTQI+** - Refers to people who are Lesbian, Gay, Bisexual, Trans and Gender Diverse, Intersex or Queer.

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**Mandated Reporter** – any individual who is legally required to ensure a report has been made when a concern, allegation and /or disclosure of child abuse arises. A mandatory reporter may be a person who holds a particular occupation or falls under state specific legislation.

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**Reasonable Belief** - A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if an individual in the same position would have formed the belief on the same grounds. A 'reasonable belief' might be formed when:

- A child or young person states that they have been abused,
- A child or young person states that they know someone who has been abused (sometimes the child or young person may be talking about themselves),
- Someone else discloses that a child has been abuse or is at risk of abuse,
- Professional observations of the child's/young person's behaviour or development leads a person to form a belief that the child/young person has been abused, and/or
- Signs of abuse, lead to a belief that the child/young person has been abused.

**Example:** A council-run after-school program employee notices that an 8-year-old child frequently arrives with bruises and appears fearful when talking about home. The child does not directly disclose abuse, but the staff member overhears them saying, "I don't want to go home. Dad gets really mad and hurts my mum." This is a scenario where a reasonable belief could be formed. Staff may hesitate to report due to lack of "proof." Including this in the policy would help staff understand they don't need proof—just reasonable suspicion to report.

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**Reportable Conduct Scheme** – The Reportable Conduct Scheme seeks to improve how organisations respond to allegations of child abuse, child harm, risk of harm and neglect. It requires the CEO or their delegate to report to the Social Services Regulator within 3 Days of becoming aware of an allegation of child abuse, child harm, risk of harm, neglect, or child related misconduct being made against a person to whom this policy applies.

As defined in the *Child Wellbeing and Safety Act (2005)* Wyndham City Council is mandated to report on the below reportable conduct types, where a reasonable belief has been formed that a staff member, contractor or volunteer has committed:

- Sexual offences or misconduct (against, with or in the presence of, a child),
- Physical violence (against, with or in the presence of, a child),
- Behaviour that causes significant emotional or psychological harm; or
- Significant neglect.

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**Victorian Child Safe Standards** - The Child Safe Standards are compulsory minimum standards for all organisations involving children to have policies, procedures and practices in place to keep them safe from harm and abuse.

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**Young People**- A group or plural of 'children'. (In some cases, the Social Services Regulator may extend support to people up to the age of 25).

# Policy

The Child Safety, Wellbeing and Reportable Conduct Policy outlines Wyndham City Council's commitment to ensuring the safety and well-being of all children and young people; in our public spaces, Council venues and those accessing Council delivered services. It also details our approach to managing reportable conduct allegations.

## 5.1 Our Commitment Statement

Wyndham City Council is committed to safeguarding children younger than 18 and ensuring their active participation as valued members of our community, while fostering a child-safe environment. We focus on early identification of risks to protect children from harm, whether caused by adults, harmful behaviours between children, exposure to family violence, or concerns like grooming, cumulative harm, or neglect.

We encourage the reporting of any concerns or suspicions of child abuse or harm. The Reportable Conduct Scheme improves how organisations respond to allegations of abuse, harm, neglect, and risk to children. Under this scheme, the CEO, or their delegate, must report any allegations of child-related misconduct to the Social Services Regulator within a specific timeframe.

All allegations are taken seriously, and reporting does not require agreement on the conduct. Concerns can be reported to a line manager or directly to the Senior Child Safe Advisor. Investigations will be conducted by an external party under the oversight of relevant authorities, including Victoria Police, the Department of Families, Fairness and Housing, and Child Protection.

The Reportable Conduct Scheme does not replace the legal obligation to report to the police or child protection authorities when there are indications of a crime or protective concerns for children and young people.

## 5.2 Children & Young People's Rights to Safety and Participation

Wyndham City Council encourages all children attending our services, programs and events to express their views and opinions on matters that directly affect them. We actively listen to their suggestions and ideas ensuring they have a voice and feel valued as members of our community. Children are informed about what to do if they feel unsafe and are encouraged to seek support from a trusted adult,

such as a parent, teacher, or family member. Concerns raised by parents are addressed privately and confidentially.

We empower children to contribute to their own safety by identifying and reducing risks while fostering an environment of support, respect, and inclusion. All allegations and safety concerns are taken seriously and handled consistently in accordance with our policies and procedures.

## 5.3 Diversity, Inclusivity and Growth

Wyndham is one of the fastest growing municipalities in Victoria, with families with children making up the largest demographic of residents.

**Wyndham City is home to:**

- One of the largest Aboriginal and Torres Strait Islander communities in the Western region,
- A diverse population, with half of our residents born overseas, many from non-English speaking background
- A strong and vibrant LGBTIQ+ community.

At Wyndham City Council, we recognise and respect the diverse identities, cultures, and backgrounds of our community. This diversity is a key consideration in the planning and delivery of services and events for children and young people, ensuring inclusivity and accessibility for all. Racism, discrimination, and any form of prejudice will not be tolerated towards children in our community as we are committed to maintaining a safe, respectful, and inclusive environment for all individuals.

Additionally, Council has an embedded Reconciliation Action Plan, which strengthens and upholds our commitment to reconciliation. This plan fosters a whole-of-community approach, supporting meaningful engagement and partnerships with Aboriginal and Torres Strait Islander peoples across the Western region.

## 5.4 Recruitment of Staff and Volunteers

Wyndham City Council applies comprehensive recruitment screening practices to minimise the risk of unsuitable individuals gaining employment or volunteer roles within the organisation. These practices include advertising, interviews, reference checks, and comprehensive inductions.

It is mandatory for all staff working with children and young people to obtain a Working with Children Check (WWCC) and complete mandatory child safe training as part of their onboarding process. Additionally, all registered volunteers aged 18 and above, regardless of their direct interaction with children, are required to obtain a WWCC and complete mandatory child safe training.

## 5.5 Raising a Child Safety Concern or Complaint

Wyndham City Council takes all Reportable Conduct allegations seriously. Members of the public can report complaints, concerns, or suspicions of abuse through the following three channels:

1. Confidential Discussion – Request a discussion with the **Senior Child Safe Advisor** by calling **1300 023 411** (Monday to Friday, 8 AM to 5 PM, excluding public holidays).  
**Note:** *If the concern involves child sexual abuse or a situation where a child is in immediate physical danger, please call **000** and report directly to Victoria Police.*
2. Email Submission – Send a detailed description of the allegation to [childsafecofficer@wyndham.vic.gov.au](mailto:childsafecofficer@wyndham.vic.gov.au). Include relevant details such as the child's name (if available), the alleged offender, and your contact information.
3. In-Person Reporting – Speak to any Wyndham staff member present at an activity you or your child are attending. They will assist in addressing your concerns and escalating them appropriately.

**If you have reason to believe that a child's safety is in immediate danger, contact 000.**

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# Compliance

At Wyndham City Council we are committed to protecting an individual's privacy. Personal information or disclosures that are received by a staff member or a third party during the process of an investigation, or at a council activity is respected and remains confidential, unless there is a risk to someone's safety where external parties are required to be notified by law.

Additionally, the Victorian Child Safe Standards and Reportable Conduct Scheme serve as additional compliance requirements. These do not alter or reduce existing legal obligations for specific areas such as Early Education and Care, Maternal & Child Health, and Youth Services, or for mandated reporters employed by Wyndham City Council under the *Child Wellbeing and Safety Act 2005 (VIC)*.



# Mandatory & Voluntary Reporting Obligations

The state of Victoria has enacted legislation requiring mandatory reporting of suspected child abuse, harm and neglect to the relevant authorities. These legal obligations require individuals to report any reasonable belief of physical or sexual child abuse, child harm, risk of harm or neglect to the appropriate authorities.

The following tables outline the key aspects of both mandatory and voluntary reporting:

## Australian Government Mandatory Reporting Obligations:

Legislation	When to report	Who must report	Who is a child
<i>Children, Youth and Families Act 2005</i>	A mandated reporter must make a report to the Department of Families, Fairness and Housing Child Protection if: <ul style="list-style-type: none"> <li>• They form the belief on reasonable grounds that a child has suffered, or is likely to suffer significant harm as a result of physical injury or sexual abuse, and</li> <li>• The parents (guardians) have not protected or are unlikely to protect the child from harm of that type.</li> <li>• The belief is formed in the course of practising his/her position of employment.</li> </ul>	Registered medical practitioners, midwives, nurses, registered teachers, counsellors and psychologists.	A person under 18 years old.
<i>Child Safety and Wellbeing Act 2005</i>	The CEO must make a report to the Social Services Regulator if they become aware of a reportable allegation against an employee, volunteer or contractor of the entity.	The head of an entity that is affected by the Reportable Conduct Scheme.	A person under 18 years old.
<i>Crimes Act 1958</i>	A mandatory reporter must make a report to the police if they form a reasonable belief that a physical or sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years.	Any person 18 years or older.	A person under 18 years old.

## Voluntary Reporting Obligations:

Legislation	When to report	Who must report	Who is a child
<i>Children, Youth and Families Act 2005</i>	A voluntary reporter may make a report to a protective intervener (i.e. Department of Families, Fairness and Housing Child Protection) if: <ul style="list-style-type: none"> <li>• The person believes on reasonable grounds that a child is in need of protection.</li> </ul>	Any person	A person under 18 years old
<i>Child Safety and Wellbeing Act 2005</i>	A voluntary reporter may disclose a reportable allegation to the Social Services Regulator.	Any person	A person under 18 years old.

At Wyndham City Council, the reporting of incidents to the Social Services Regulator by the CEO is delegated to Child Safe Management. Additionally, there are public reporting channels available on the websites of the Social Services Regulator and the Department of Families, Fairness and Housing where a Child Safety Concern must be reported.

We also expect everyone affiliated with council or members of the community, regardless of their legal obligations, to recognise their moral and social responsibility to report concerns about child abuse, harm, risk of harm and neglect.

# Role Accountability & Responsibilities

Child safety and wellbeing is everyone's responsibility within Wyndham City Council, in some instances failure to meet may result in disciplinary action.

This section identifies the particular responsibilities across the organisation:

<b>Councillors</b>	All councillors are responsible for supporting the safety, wellbeing and participation of children and young people within the community. They have an understanding of their leadership and behavioural expectations whilst undertaking their duties.
<b>Audit and Risk Committee (ARC)</b>	The ARC monitor Child Safe Management practices and advise on the implementation, considering the effectiveness of the key control environment and reliability of assurance activities.
<b>Chief Executive Officer (CEO)</b>	The CEO holds overall responsibility for Reportable Conduct matters and has delegated these responsibilities to Child Safe Management Team. This includes ensuring that risk and safety practices are embedded in relevant organisational policies, in accordance with legislative requirements.
<b>Executive Leadership Team (ELT)</b>	Endorse and support the Child Safe Policy and ensure child safety is prioritised at a strategic and operational level. Ensure adequate human and financial resources are allocated to child safety management. Champion child safety, demonstrating leadership and accountability for child safe practices at all levels of the organisation, including duty of care and mandatory reporting. Sponsor a child safe culture by encouraging reporting and supporting prompt and proportionate response to allegations of reportable conduct.
<b>Child Safe Officer(s)</b>	Holders of this role are named within the CEO-to-staff Instrument of Delegation and responsible for the CEO delegated responsibilities.
<b>Child Safe Management</b>	<p>Child Safe Management is led by the Senior Child Safe Advisor within the Risk Team, supported by the Child Safe Officers. Together, they are responsible for managing the implementation and ongoing improvement of child safety across Wyndham City Council:</p> <ul style="list-style-type: none"> <li>• Champion Child Safe practices</li> <li>• Provide communication, information, advice and support in relation to the management of allegations internally and externally in line with legal requirements</li> <li>• Ensure processes and systems are in place to support raising concerns or making allegations related to potential reportable conduct, including about the CEO. Provide opportunities for training, supervision, ongoing support for those responsible for child safe practices</li> <li>• Maintain secure information management systems for the receipt, storage, assessment and notification of potential allegations of reportable conduct</li> <li>• Continuously improve the Child Safe Management System, building the capability of our people to manage meet their responsibilities</li> <li>• Monitor, manage and continually improve the organisation's child safe strategies</li> <li>• Receive and review disclosures, undertaking the following actions, as required:             <ul style="list-style-type: none"> <li>◦ Conduct an initial assessment to determine the incident notification and management requirements</li> <li>◦ Refer criminal conduct directly to Victoria Police</li> <li>◦ Refer potential reportable conduct to the CCYP</li> <li>◦ Refer disclosures which are not reportable conduct to the relevant Manager to enact the internal disciplinary process, in consultation with People and Capability as appropriate</li> <li>◦ Refer allegations not relevant to Wyndham people to the Department of Families, Fairness and Housing</li> <li>◦ Ensure support is offered to the child and their parents/carers, the person making the report and the person subject of allegations where necessary</li> <li>◦ Engage external investigators from the preferred legal panel, as required,</li> <li>◦ Manage the resolution of disclosures related to child safety incidents.</li> </ul> </li> </ul>

<b>People and Capability (HR)</b>	People and Capability (HR) own the Working with Children Check Policy and the Family Violence Policy. Where a Child Safe concern occurs, P&C may be consulted.
<b>Mandated Reporters (Child Protection)</b>	<p>People employed in occupations subject to mandatory reporting as named in the Child Wellbeing and Safety Act 2005 have additional mandatory reporting obligations to child protection authorities and Victoria Police. These roles include:</p> <ul style="list-style-type: none"> <li>• Kindergarten and early years educators</li> <li>• Maternal and child health nurses</li> <li>• Youth workers</li> <li>• Counsellors and psychologists</li> <li>• Out of home workers.</li> </ul>
<b>All people</b>	<p>All people covered by the scope of this policy are responsible for:</p> <ul style="list-style-type: none"> <li>• Understanding the signs of child abuse, child harm and neglect and knowing how to respond should an incident occur</li> <li>• Reporting conduct which the person reasonably believes qualifies as reportable conduct</li> <li>• Following organisational reporting processes when a reportable conduct allegation arises.</li> </ul> <p>In addition, people who engage, manage and monitor contractor agreements for the provision of goods or services; are required to ensure that contractor performance meets the organisations expectations in relation to child safety.</p>



# Risk Management

Wyndham City Council's Child Safe Management team provide guidance on child safety compliance to business units with both direct and indirect contact with children. The team also assist with job safety analyses and risk assessments for varied activities, excursions and third-party events. These efforts focus on preventing, identifying and mitigating risks related to child safety and wellbeing.

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## Breach of Policy

Council staff are required to comply with the Code of Conduct and relevant laws. As public sector employees, they must perform their duties in accordance with organisational values and policies.

Breaches of these obligations, if substantiated, may be considered misconduct and could result in disciplinary action. In serious cases, such breaches may also lead to civil or criminal prosecution. Additionally, investigations by external regulatory or licensing bodies may be initiated, potentially resulting in the suspension or revocation of professional registrations (e.g. teaching or nursing registrations)

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## Related Legislation

- [\*Australian Human Right Commission Act 1986\*](#)
- [\*Crimes Act 1958 \(VIC\); Crimes Amendment \(Grooming\) Act 2014 \(VIC\)\*](#)
- [\*Crimes Amendment \(Protection of Children\) Act 2014 \(VIC\)\*](#)
- [\*Children Legislation Amendment \(Reportable Conduct\) Act 2017\*](#)
- [\*Children Legislation Amendment \(Information Sharing\) Act 2018 \(Vic\)\*](#)
- [\*Child Wellbeing and Safety Act 2005; Child Wellbeing and Safety Amendment \(Child Safe Standards\) Act 2015; Child Wellbeing and Safety \(Child Safe Standards Compliance and Enforcement\) Amendment Act 2021; Commission for Children & Young People Act 2012\*](#)
- [\*Disability Act 2006; Gender Equality Act 2020\*](#)
- [\*Privacy and Data Protection Act 2014 \(Vic\); Victorian Reportable Conduct Scheme 2017\*](#)
- [\*Worker Screening Act 2020 \(VIC\); Working with Children Regulations 2016\*](#)
- [\*Wrongs Amendment \(Organisational Child Abuse\) Act 2017 \(VIC\)\*](#)