



# Council Policy

## Child Safety and Wellbeing Policy

Department/Unit	Community Health & Wellbeing	First Implemented	17 July 2018	Review Date	November 2028
Origin	Executive Manager Community Health & Wellbeing	Reviewed	May 2025	Version	3
Authorising Officer	Endorsement by Council	Effective From	25 November 2025	Records Reference	E1533

### Purpose/Objective

This policy outlines Mansfield Shire Council's (Council's) commitment to the safety and wellbeing of children and young people and the promotion and protection of their rights. It takes into account Council's legislative requirements to comply with Victorian Child Safe Standards and the *Child Wellbeing and Safety Act 2005* (the Act).

The policy sets clear expectations regarding what is required to keep children and young people safe and outlines responsibilities for reporting suspected child harm, neglect or abuse.

### Scope

This policy applies to all Council employees, councillors, contracted employees and agency staff engaged by Council, volunteers, students on placement with Council and other authorised personnel of Mansfield Shire Council. It applies in all operational environments wherever children or young people are participating in Council activities, programs or facilities.

This policy also applies to any contractors engaged for work on or around facilities where children or young people are present.

## Victoria Child Safe Standards

All Victorian organisations that provide services or facilities to children or young people are required by law to comply with the Child Safe Standards. Council is regulated by the Commission for Children and Young People.

The 11 Victorian Child Safe Standards are:

- ▶ **Child Safe Standard 1** – Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
- ▶ **Child Safe Standard 2** – Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- ▶ **Child Safe Standard 3** – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
- ▶ **Child Safe Standard 4** – Families and communities are informed and involved in promoting child safety and wellbeing.
- ▶ **Child Safe Standard 5** – Equity is upheld and diverse needs respected in policy and practice.
- ▶ **Child Safe Standard 6** – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- ▶ **Child Safe Standard 7** – Processes for complaints and concerns are child focused.
- ▶ **Child Safe Standard 8** – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- ▶ **Child Safe Standard 9** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- ▶ **Child Safe Standard 10** – Implementation of the Child Safe Standards is regularly reviewed and improved.
- ▶ **Child Safe Standard 11** – Policies and procedures document how the organisation is safe for children and young people.

## Child Safety Officer

Council appoints the holder of the position of Executive Manager Community Health and Wellbeing to the position of Child Safety Officer. Their contact details are clearly displayed in posters in all Council buildings, Council's website and Council's internal intranet.

This position is available for staff to refer to for guidance on the implementation of the standards and reportable conduct scheme as well as parents, children and young people.

## Commitment to Child Safety

Council has zero tolerance of all forms of child abuse and all allegations and safety concerns will be treated seriously and consistently with policies, procedures and the law.

Council will publicly display Council's Commitment to Child Safety at all Council offices and on Council's website (refer Appendix A).

Council has legal and ethical obligations to contact authorities when there is concern regarding a child's safety.

Council is committed to identifying child safety risks early and removing and reducing these risks wherever possible.

Council is committed to the cultural safety of Aboriginal children/young people, the cultural safety of children/young people from a culturally and/or linguistically diverse background, providing a safe environment for children/young people with a disability, and the safety of all vulnerable children.

Council has a code of conduct in place that establishes clear expectations for appropriate behaviour with children and young people.

All Councillors should hold a current Victorian Working with Children Check (WWCC).

## Recruitment, Screening, Supervision and Training

Council will take all reasonable steps to employ appropriately skilled people to work with children and young people.

Council understands that when recruiting employees and volunteers there are ethical as well as legislative obligations. All employees engaged in child-related work, or who are occasionally required to interact with children or young people during the course of doing their job, are required to hold a Victorian WWCC and must provide evidence of this check.

All Council volunteers engaged in child-related work, or who are occasionally required to interact with children or young people during the course of their volunteer duties, are required to hold a current Victorian WWCC. There is no cost to apply for a Volunteer WWCC.

All consultants and contractors undertaking child related work are required under the *Working with Children Act 2005* to hold a current Victorian WWCC. Compliance with the *Working with Children Act 2005* and associated costs of a WWCC is the responsibility of the contracted organisation. The relevant contract manager is responsible for keeping record of this.

As part of employee recruitment process, Council carries out reference checks and police record checks to mitigate the risk of harm to children and young people in the provision of its services.

Council will train Council personnel engaged in child-related work, or who are occasionally required to interact with children or young people during the course of doing their job, to identify, assess and minimise the risk of harm to children and young people and to detect potential signs of harm to children or young people.

## Privacy, Technology and Social Media

Council has safeguards and practices in place to ensure any personal information is protected. Persons whose information is collected will be informed about the information collected, what will be done with it and who will have access to it in accordance with Council's Privacy and Data Protection Policy.

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be councillors, employees, volunteers or contractors, unless there is a known threat to safety and disclosure of the information is permitted or required by law.

All Council personnel must protect the privacy of information about children, young people and their families in accordance with Council's Privacy and Data Protection Policy.

All Council personnel must ensure that technology and social media are used appropriately in connection with children or young people, including by:

- ▶ ensuring that any use of technology and social media is not detrimental to any child or harmful to their safety; and
- ▶ act in accordance with all relevant legislation, processes, guidelines and operating rules.

Any Council personnel who photographs or films children or young people, or uses their image, must:

- ▶ obtain informed consent from a parent or guardian of the child and, where appropriate, directly from the child or young person (form available in associated procedure);
- ▶ ensure that the content and purpose of the photographs, film and video material are appropriate, and
- ▶ present children or young people in a dignified and respectful manner.

## Reporting Suspected Child Harm, Neglect or Abuse

### Mandatory Reporting:

- ▶ *Crimes Act 1958* – Section 327 of the *Crimes Act 1958* requires anyone over 18 who reasonably believes a sexual offense against a child under 16 has occurred to report it to the police as soon as practicable. Failure to do so is a criminal offense, with exceptions for those who have already reported it to child protection or have a reasonable excuse.
- ▶ *Children, Youth and Families Act 2005* – Under the *Children, Youth and Families Act 2005*, mandatory reporters must make a report to child protection, if:
  - in the course of practising their profession or carrying out duties of their office, position or employment, and/or
  - they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

Mandatory reporters are certain classes of professionals who are legally required to report a reasonable belief of child physical or sexual abuse to child protection authorities. A full list of

mandatory reporters under the *Children, Youth and Families Act 2005* is listed in this Policy under the definitions.

### Reportable Conduct Scheme:

Council must comply with reporting obligations under Victoria's Reportable Conduct Scheme (the Scheme).

The Scheme requires heads of organisations (for councils this is the Chief Executive Officer (CEO)) to respond to reportable allegations of child abuse and other child-related misconduct made against their organisation's workers, volunteers or contractors (including those supplied by an external labour hire agency, company or other provider, and secondees). The head of organisation must notify the Commission for Children and Young People within three days of becoming aware of the allegation and provide an update to the commission of progress within 30 calendar days.

There are 5 types of reportable conduct listed in the *Child Wellbeing and Safety Act 2005*:

- ▶ sexual offences committed against, with or in the presence of a child.
- ▶ sexual misconduct committed against, with or in the presence of a child.
- ▶ physical violence against, with or in the presence of a child.
- ▶ any behaviour that causes significant emotional or psychological harm to a child.
- ▶ significant neglect of a child.

**Reasonable Belief:** Council has a responsibility to report an allegation of abuse if it forms a reasonable belief that an incident took place. Reasonable belief **does not** require evidence.

Factors contributing to reasonable belief ~~may~~ be:

- ▶ A child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves).
- ▶ someone who knows a child states that the child has been physically or sexually abused.
- ▶ professional observations of the child's physical condition, behaviour or development leads a professional to form a belief that the child has been physically or sexually abused.
- ▶ signs of physical or sexual abuse lead to a belief that the child has been physically or sexually abused.

If an adult forms a reasonable belief that an incident of abuse has occurred, then they must report the incident and respond according to the Victoria's Child Safe Standards and Reportable Conduct Scheme and Council's Child's Safety and Reportable Conduct Reporting Procedures.

## Record Management

Council will keep full and accurate records about all child-related complaints or safety concerns, including the outcome of any investigations and the resolution of any complaints.

All child safety complaints, concerns, incidents and near misses will be recorded on Council's incident register.

Council will protect individuals' privacy and manage all child-safety records as prescribed by the *Privacy & Data Protection Act 2014* and the *Health Records Act 2001*.

## Cultural Safety, Participation and Empowerment of Children

Council is committed to empowering children and young people by involving them in decision making, especially about matters that directly affect them.

Council will uphold the rights of children and young people so that they feel heard on matters relevant to their safety and so that they feel safe and protected.

Council promotes diversity and tolerance in the organisation and promotes inclusive behaviour.

Council is committed to promoting safety, participation and empowerment of vulnerable children and young people, such as those who are Aboriginal, LGBTIQA+, cannot live at home, are from culturally or linguistically diverse backgrounds or who have a disability.

## Definitions

Term	Definition
Aboriginal Child	<p>A person under the age of 18 who:</p> <ul style="list-style-type: none"> <li>▶ Is of Aboriginal or Torres Strait Islander descent</li> <li>▶ Identified as Aboriginal and/or Torres Strait Islander, and</li> <li>▶ Is accepted as Aboriginal and/or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.</li> </ul>
Child	means a child or young person who is under the age of 18 years.
<i>Source: Child Wellbeing and Safety Act 2005</i>	
Child abuse	<p>Child abuse includes:</p> <ul style="list-style-type: none"> <li>a) any act committed against a child involving:               <ol style="list-style-type: none"> <li>1. a sexual offence</li> <li>2. grooming offences under section 49M(1) of the Crimes Act 1958</li> </ol> </li> <li>b) the infliction, on a child, of:               <ol style="list-style-type: none"> <li>1. physical violence</li> <li>2. serious emotional or psychological harm</li> </ol> </li> <li>c) the serious neglect of a child.</li> </ul>
<i>Source: Child Wellbeing and Safety Act 2005</i>	
Child abuse (emotional)	Emotional child abuse occurs when a child is repeatedly rejected, isolated, or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person

Term	Definition
<p><i>Source: Victorian Government</i>  <i>PROTECT: Identifying and responding to all forms of abuse in Victorian schools</i></p>	<p>to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.</p>
<p>Child abuse (physical)  <i>Source: Victorian Government</i>  <i>PROTECT: Identifying and responding to all forms of abuse in Victorian schools</i></p>	<p>Physical child abuse is any non-accidental infliction of physical violence on a child by any person. It can be inflicted in many ways, including beating, shaking or burning and assault with implements and female genital mutilation.</p>
<p>Child abuse (sexual)  <i>Source: Victorian Government</i>  <i>PROTECT: Identifying and responding to all forms of abuse in Victorian schools</i></p>	<p>Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity. Sexual offences are governed by the <i>Crimes Act 1958</i> (Vic.)</p>
<p>Children from culturally and/or linguistically diverse backgrounds</p>	<p>A child or young person who identified as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis.</p>
<p>Child-related work  <i>Source: Worker Screening Act 2020</i></p>	<p>Work which usually involves (or is likely to involve) direct contact with a child, irrespective of whether that contact is supervised or not, and in any of the child-related occupational fields listed in the Act.</p> <p>The definition of direct contact includes oral, written or electronic communication as well as face-to-face and physical contact. 'Child-related work' may be either paid or unpaid (voluntary).</p>
<p>Child safety  <i>Source: Ministerial Order 1359</i></p>	<p>Child safety includes matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse.</p>
<p>Cultural competency</p>	<p>A set of congruent behaviours, attitudes and policies that come together in a system, agency or among professionals that enable them to work effectively in cross-cultural situations.</p>



Term	Definition
Cultural safety for Aboriginal children	<p>The positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity.</p> <ul style="list-style-type: none"> <li>▶ A culturally safe environment does not ignore, challenge or deny cultural identity. Cultural safety upholds the rights of Aboriginal children to: <ul style="list-style-type: none"> <li>▶ identify as Aboriginal without fear of retribution or questioning</li> <li>▶ have an education that strengthens their culture and identity</li> <li>▶ maintain connections to their land and country</li> <li>▶ maintain their strong kinship ties and social obligations</li> <li>▶ be taught their cultural heritage by their Elders</li> <li>▶ receive information in a culturally sensitive, relevant and accessible manner</li> <li>▶ be involved in services that are culturally respectful.</li> </ul> </li> </ul>
Cultural safety for children from culturally and/or linguistically diverse backgrounds	<p>An environment which is spiritually, socially and emotionally safe, as well as physically safe for children, where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need. Efforts need to be made to ensure the culturally and/or linguistically diverse children and their families receive information in a culturally sensitive, relevant and accessible manner, including in relevant community languages.</p>
<p>Grooming</p> <p><i>Source: Victorian Government Child sexual exploitation</i></p>	<p>Grooming is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time.</p> <p>Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.</p>
<p>Mandatory Reporting</p> <p><i>Source: Children, Youth and Families Act 2005</i></p>	<p>Mandatory reporting is the legal requirement for certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.</p> <p>In Victoria, under the <i>Children, Youth and Families Act 2005</i>, mandatory reporters must make a report to child protection, if:</p> <ul style="list-style-type: none"> <li>▶ in the course of practising their profession or carrying out duties of their office, position or employment</li> <li>▶ they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.</li> </ul>



Term	Definition
<p>Mandatory Reporters</p> <p><i>Source: Children, Youth and Families Act 2005</i></p>	<p>The following persons are mandatory reporters in Victoria for the purposes of the <i>Children, Youth and Families Act 2005</i>:</p> <ul style="list-style-type: none"> <li>a) a registered medical practitioner;</li> <li>b) a nurse;</li> <li>c) a midwife;</li> <li>d) a person who is registered as a teacher or an early childhood teacher;</li> <li>e) the principal of a Government school or a non-Government school;</li> <li>f) a police officer;</li> <li>g) a person in religious ministry;</li> <li>h) the approved provider or nominated supervisor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed or engaged by, a children's service within the meaning of the Children's Services Act 1996;</li> <li>i) the approved provider or nominated supervisor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed or engaged by an education and care service within the meaning of the Education and Care Services National Law (Victoria);</li> <li>j) a person employed under Part 3 of the Public Administration Act 2004 to perform the duties of a youth and child welfare worker;</li> <li>k) a registered psychologist;</li> <li>l) a youth justice officer;</li> <li>m) a youth parole officer;</li> </ul>
<p>Reportable Conduct</p> <p><i>Source: Child Wellbeing and Safety Act 2005</i></p>	<p>Reportable Conduct is defined as:</p> <ul style="list-style-type: none"> <li>▶ a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child</li> <li>▶ behaviour causing significant emotional or psychological harm to a child</li> <li>▶ significant neglect of a child, or misconduct involving any of the above.</li> </ul>

## Responsibilities

The safety and wellbeing of children/young people is everyone's responsibility. The responsibilities of Council officers may vary depending on their role. A failure to comply with the responsibilities in this Policy may lead to disciplinary action up to and including immediate termination.

The Community Health & Wellbeing Directorate is the owner of this policy. Any reviews of this Policy must be made in consultation with the Executive Manager Community Health & Wellbeing.

### Child Safety Officer

- ▶ Provide advice to Council personnel on child safety matters and reporting requirements.
- ▶ Support the notification of child safety concerns or allegations to relevant authorities.
- ▶ Assist alleged victims and their families to access counselling and support services.
- ▶ Provide support to Council personnel who report, or are impacted by, Child Safety Incidents, including offering support via the Employee Assistance Program (EAP).

### Chief Executive Officer

The Chief Executive Officer (CEO) is responsible for the application of this Policy as well as meeting specific legal obligations under the Reportable Conduct Scheme, including:

- ▶ Notifying the Commission for Children and Young People within three working days of becoming aware of an allegation.
- ▶ Investigating any allegations (subject to police clearance on criminal matters) and notifying the Commission who is undertaking the investigation.
- ▶ Managing any risks to children/young people.
- ▶ Updating the Commission within 30 calendar days, providing information on the reportable allegation and any action taken.
- ▶ Notifying the Commission of investigation findings and any disciplinary actions (or why no action was taken).

The CEO may also receive reports from Councillors regarding suspected incidents of child abuse involving Council personnel in line with this Policy and associated Procedures.

### Council Personnel

- ▶ Be aware of and comply with their obligations and responsibilities in relation to child safety and wellbeing under the relevant legislation and this Policy.
- ▶ Have a shared responsibility for contributing to the safety of children and young people from all forms of child abuse or risk of harm.
- ▶ Responsible for identifying child abuse or risk of harm, and taking steps to prevent, reduce or eliminate child abuse or risk of harm to the greatest extent possible.
- ▶ Must promote child safety at all times and provide a safe environment for all children and young people.

- ▶ Must call 000 if they believe there is a serious or immediate risk of child abuse or risk of harm.

### **Supervisors (Team Leaders, Coordinators, Managers)**

In addition to their responsibilities as Council personnel, must:

- ▶ Promote that child safety is everyone's responsibility.
- ▶ Ensure Council staff have access to and are aware of their obligations and responsibilities in relation to child safety and wellbeing under the relevant legislation and this Policy.
- ▶ Take reasonable steps to identify and remove or minimise any potential risks to child safety and wellbeing within their work area.

### **People and Culture Department**

In addition to their responsibilities as Council personnel, must:

- ▶ Ensure recruitment practices are conducted in line with requirements under the Victorian Child Safe Standards
- ▶ Ensure appropriate child safety checks and screening processes are undertaken prior to offering positions, including National Police Checks and robust referee checks.
- ▶ Ensure all Council personnel required to have WWCC Checks under this Policy have a valid/current/appropriate check upon commencement.
- ▶ Ensure new Council personnel have access to and are aware of this Policy.
- ▶ Provide guidance and support to Council personnel who report (or are impacted by) Child Safety Incidents, including offering support via the Employee Assistance Program (EAP).

## **References / Related Policies**

- ▶ Mansfield Shire Council Child Safety Reportable Conduct Procedure
- ▶ Mansfield Shire Council Child Safety and Wellbeing Procedure
- ▶ Model Councillor Code of Conduct
- ▶ Mansfield Shire Council Employee Code of Conduct
- ▶ Mansfield Shire Council Recruitment and Selection Policy
- ▶ Mansfield Shire Council Privacy and Data Collection Policy
- ▶ Mansfield Shire Council Equal Opportunity and Human Rights Policy
- ▶ Mansfield Shire Council Gender Equality Policy
- ▶ Mansfield Shire Council Volunteer Policy
- ▶ *Local Government Act 2020* (Vic)
- ▶ *Privacy and Data Protection Act 2014* (Vic)
- ▶ *Equal Opportunity Act 2010* (Vic)
- ▶ *Charter of Human Rights and Responsibilities Act 2006* (Vic)

- ▶ *Human Rights and Equal Opportunity Commission Act 1986 (Cth)*
- ▶ *Child Wellbeing and Safety Act 2005 (Vic)*
- ▶ *Children, Youth and Families Act 2005 (Vic)*
- ▶ *Worker Screening Act 2020 (Vic)*
- ▶ *Working with Children Act 2005 (Vic)*
- ▶ Victorian Child Safe Standards
- ▶ National Principles for Child Safe Organisations
- ▶ Guide for Creating a Child Safe Organisation
- ▶ Mandatory Reporting to Child Protection – Frequently Asked Questions

## Gender Impact Assessment

The Child Safe Policy has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian Gender Equality Act 2020.

## Implementation

This Policy is effective from 25 November 2025.

## Review Date

A review shall be conducted to assess whether the organisation's child safe policy requires modification to better protect the children/and young people every three years or following every reportable incident (whichever come first).

This Policy is to be reviewed by November 2028.

## Authorisation to Implement Policy

Signed: \_\_\_\_\_

Councillor

Witnessed: \_\_\_\_\_

Chief Executive Officer

Approval dated: 25 November 2025

**Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.**

## Appendix A: Child Safety Statement of Commitment Poster

# Council's Commitment to Child Safety

**Mansfield Shire Council is committed to ensuring the safety and wellbeing of children and young people. We have a zero-tolerance approach to all forms of child abuse. We are committed to creating and maintaining a child safe organisation where all children and young people are valued and protected.**

All children and young people regardless of their age, gender identity, sexual orientation, ethnicity, religious beliefs, ability and family background have the right to be protected from harm and to be treated with dignity and respect. We are an inclusive organisation that recognises and respects diversity and we are committed to proactively supporting and building the cultural safety and inclusion of all children and young people in Mansfield Shire.

We recognise, respect and observe Aboriginal and Torres Strait Islander people's cultural rights. We are committed to creating a culturally safe and inclusive environment in which the diverse and unique identities, experiences and cultural rights of Aboriginal and Torres Strait Islander children and young people are respected and valued.

As a child safe organisation, we are committed to providing welcoming, safe and accessible environments where all children and young people feel valued and listened to.

The safety and wellbeing of children and young people we work with or come into contact with will always be our priority. We have specific policies and procedures in place to support our people to achieve these commitments.

For further information contact Council's Child Safety Officer on 5775 8555.