



# Council Procedure

## Child Safety Reportable Conduct Procedure

Department/Unit	Community Health & Wellbeing	First Implemented	17 July 2018	Review Date	June 2029
Origin	Executive Manager Community Health & Wellbeing	Reviewed	April 2026	Version	4
Authorising Officer	Chief Executive Officer	Effective From	19 May 2026	Records Reference	E1533

### Purpose

This Procedure is to ensure that Mansfield Shire Council (Council) complies with its obligations under the Victorian Reportable Conduct Scheme, established by the *Child Wellbeing and Safety Act 2005* (the Act).

It sets out how Council will:

- ▶ Respond to, manage and investigate allegations of reportable conduct or misconduct involving children made against employees, contractors, volunteers or councillors;
- ▶ Meet its mandatory obligations to notify and liaise with the Social Services Regulator (SSR);
- ▶ Protect the rights, safety and wellbeing of children, as well as the rights of employees subject to allegations.

This Procedure supports Council's Child Safety and Wellbeing Policy and Council's commitment to the Child Safe Standards.

### Scope

This procedure 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.

While the Head of the Organisation (Chief Executive Officer) is legally responsible for notifying and managing reportable conduct matters under the *Child Wellbeing and Safety Act 2005 (Vic)*, all workers are required to:

- ▶ Be aware of and comply with this Procedure;
- ▶ Report any alleged or suspected reportable conduct or child-related misconduct to their manager or the designated Child Safety Officer; and

## Mansfield Shire Council | Child Safety Reportable Conduct Reporting Procedure

- ▶ Cooperate with any internal or external investigation processes.

This Procedure does not replace:

- ▶ Criminal investigations undertaken by Victoria Police;
- ▶ Council's other disciplinary or grievance processes, except where they intersect with reportable conduct matters.

## The Reportable Conduct Scheme

**IMPORTANT:** As of February 2026, the Child Safe Standards and Reportable Conduct Scheme have moved from the Commission for Children and Young People (CCYP) to the Social Services Regulator. In the short term, the CCYP will continue to host guidance materials and resources related to the Standards and Scheme.

The Reportable Conduct Scheme requires Council to notify the Social Services Regulator (SSR) of allegations of child abuse (and other child-related misconduct) made against Council personnel and investigate.

The Reportable Conduct Scheme enables the SSR to independently oversee the investigation, and to share information between organisations, their regulators, Victoria Police and the Working with Children Check scheme.

## Process of Investigation

The process for the investigation into reportable conduct is comprehensively explained in the Commission's [Guidance for Organisations Investigating a Reportable Conduct Allegation \(the Guidance Document\)](#). When conducting an investigation into reportable conduct the Guidance Document must be referred to.

A reportable conduct investigation should fulfil the following requirements.

### 1. Assessment of Allegation

Assessment of whether the allegation is a reportable allegation under the Act. If a matter contains more than one allegation it should be broken down to reflect each individual allegation and each allegation should be assessed separately.

There are 5 types of reportable conduct listed in the Act:

- ▶ 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.

## 2. Notifications

**If an allegation involves reportable conduct that might be criminal (including family violence), the matter should be immediately reported to Victoria Police** in addition to the SSR being notified as outlined below.

**Upon receiving a report of an allegation, the CEO must:**

- ▶ Notify the SSR **within three business days** via the online form on the SSR's website (<https://www.vic.gov.au/report-concern-or-allegation-under-reportable-conduct-scheme>) that a reportable allegation has been made against Council personnel.
- ▶ Notify all other regulatory bodies that are required under legislation, such as Department of Education or Child Protection mandatory reporting obligations.
- ▶ Notify the SSR of the name of the investigator and their contact details as soon as practicable.
- ▶ **Within 30 calendar days** supply the SSR an update. This update must include:
  - a) Detailed information about the reportable allegation;
  - b) whether or not Council proposes to take any disciplinary or other action in relation to the Council personnel and the reasons why it intends to take, or not to take, that action; and
  - c) any written submissions made to the CEO concerning the reportable allegation that the Council personnel wished to have considered in determining what, if any, disciplinary or other action should be taken in relation to the Council personnel.

## 3. Investigation

An investigation into a reportable allegation is a workplace investigation aimed at gathering and examining information to establish facts and make findings in relation to allegations of child abuse against Council personnel. The investigation may also make recommendations about what disciplinary or other action should be taken (if any).

**If an allegation has been reported to Victoria Police, an investigator must not start their own investigation until and unless police have provided clearance to commence.**

**If an investigator has already started their investigation and then learns that police are investigating the same matter, the investigator must immediately put the investigation on hold and discuss the matter with police. The investigation must not continue until and unless police have provided clearance to re-commence their investigation.**

An independent investigator (internal or external to the organisation) will be used for investigations into reportable conduct allegations.

The investigator must have appropriate qualifications, training and/or experience to investigate reportable allegations and **must follow the process outlined in the [Guidance Document](#).**

Council will appoint an external independent investigator when:

- ▶ no one within Council has the suitable experience and/or training to conduct the investigation,
- ▶ internal employees, contractors or volunteers have a conflict of interest,

## Mansfield Shire Council | Child Safety Reportable Conduct Reporting Procedure

- ▶ the investigation cannot be conducted internally within a reasonable timeframe, or
- ▶ the investigation is complex and beyond the skills, capability or experience of internal employees (for example, the allegation relates to multiple incidents, alleged victims or stakeholders).

Upon appointing an investigator, the following (templates available in the [Guidance Document](#)) will be established to provide a focus and clear purpose of the investigation:

- ▶ Terms of Reference
- ▶ Investigation Plan

The following points are some of the issues the [Guidance Document](#) highlights but is not a substitute for the detailed information in the actual [Guidance Document](#) which **must be referenced** when undertaking any investigation of a reportable allegation.

The investigator is responsible for:

- ▶ collecting and documenting all relevant evidence connected to the reportable allegation,
- ▶ determining the facts based on the evidence, and
- ▶ preparing an investigation report that details the findings of the investigation, the reasons for those findings and if asked by the CEO, make recommendations based on those findings.

The investigator must conduct a comprehensive and thorough investigation which will include:

### a) Procedural fairness

The Act provides that a worker or volunteer who is the subject of a reportable conduct allegation/s is entitled to receive procedural fairness in investigations into their alleged conduct.

This will include, amongst other requirements, provision of a letter of allegation/s prior to any interview being undertaken where the person will have the opportunity to respond to the allegations. The timing of the letter is at the discretion of the investigator. A template for a letter of allegation is on page 31 of the [Guidance Document](#).

### b) Interviews

All child victims and witnesses should be interviewed unless there is a good reason not to.

Child Safe Standard 7 requires organisations to have strategies in place to promote the participation and empowerment of children.

Resources are available to support this. [Guide-Including-Children-and-Young-People-in-Reportable-Conduct-Investigations.pdf \(ccyp.vic.gov.au\)](#)

### Cultural safety

The investigator should provide a safe and culturally responsive environment that supports the participation and inclusion of people:

- ▶ who identify as Aboriginal and/or Torres Strait Islander or,
- ▶ from culturally and linguistically diverse backgrounds.

The investigator should give consideration to how they can create a safe and respectful environment to facilitate the inclusion and participation of witnesses who:

- ▶ identify as same sex attracted, intersex and gender diverse, or
- ▶ are people with a disability.

### c) Family violence

Particular care should be taken when the investigation covers circumstances that involve possible family violence.

## 4. Council Personnel Management and Support

Council personnel who are involved in any reportable conduct allegation are particularly vulnerable and with the guidance and support of People and Culture Department should be provided with the following;

- ▶ Supervisor support for personnel involved in an investigation (accused, witness and any bystander)
- ▶ Communication to the work group about what is going on which will:
  - Reduce speculation and spread of misinformation
  - Reduce isolation and harm to wellbeing.
- ▶ Clear instruction and arrangement for peer support and welfare management of affected personnel
- ▶ Where an external investigator is involved, clarity about witness and accused right to be treated fairly.
  - Proper notice of interview
  - Right to bring a support person
  - Right to be interviewed at an appropriate time and place. Not to be interviewed whilst undertaking workplace duties.
- ▶ Access and referral to EAP but acknowledging the limitations of this as a comprehensive supportive mechanism.
- ▶ Guidance about what to say to loved ones/family regarding allegation.
- ▶ Clarity about removal from duties (where applicable) and what this means.

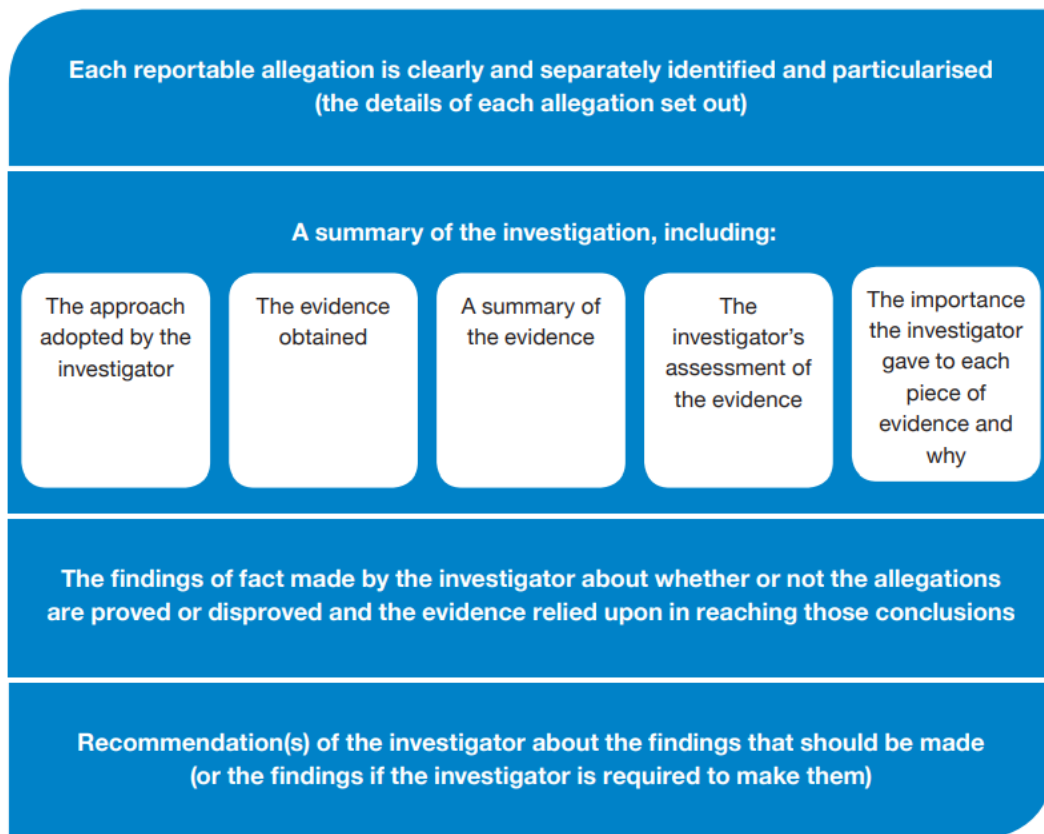
## 5. Outcome

On conclusion of an investigation into a reportable conduct allegation, the investigator will provide the CEO with a detailed investigation report.

The Investigation Report will set out, as a minimum:

*Table source: Commission's [Guidance for Organisation's Investigating a Reportable Conduct Allegation](#)*

## Mansfield Shire Council | Child Safety Reportable Conduct Reporting Procedure



An example Investigation Report is available on page 36 of the [Guidance Document](#).

The types of findings may include:

- ▶ **Substantiated** - The alleged reportable conduct occurred on the balance of probabilities.
- ▶ **Unsubstantiated (insufficient evidence)** - There was significant evidence supporting the allegation, but the evidence falls short of being able to make a substantiated finding.
- ▶ **Unsubstantiated (lack of evidence of weight)** - A lack of evidence made it too difficult to fully investigate an allegation despite the investigator's reasonable efforts.
- ▶ **Unfounded** - A positive finding, on the basis of being more likely than not, that the alleged reportable conduct did not occur.
- ▶ **Conduct outside the scheme** - The conduct as alleged occurred, but in all of the circumstances was found not to be reportable conduct for the purposes of the Act.

As soon as practicable after an investigation has concluded, the CEO, in line with Section 16N of the Act, must give the SSR:

- ▶ A copy of findings of the investigation and reasons for those findings;
- ▶ Details about any disciplinary or other action that Council's proposed to take in related to the Council personnel and the reasons for that action; and,
- ▶ if Council does not propose to take any disciplinary or other action in relation to the Council personnel, the reasons why no action is to be taken.

Any disciplinary action taken by council will be in accordance with Council's Disciplinary Policy.

## Definitions

Term	Definition
<p>Child</p> <p><i>Source: Child Wellbeing and Safety Act 2005</i></p>	<p>means a child or young person who is under the age of 18 years.</p>
<p>Council personnel</p>	<p>For this procedure Council personnel includes employees, councillors, contracted employees and agency staff engaged by Mansfield Shire Council, volunteers, students on placement with Mansfield Shire Council and other authorised personnel of Mansfield Shire Council.</p>
<p>Social Services Regulator (SSR)</p>	<p>The Social Services Regulator (SSR) is an independent statutory authority that safeguards the rights of children and young people as well as people who use social services in Victoria.</p>
<p>Head of organisation</p>	<p>The Chief Executive Officer (CEO) is the person responsible for council's compliance with the Reportable Conduct Scheme. The CEO needs to have systems in place for:</p> <ul style="list-style-type: none"> <li>▶ council to take a preventative approach to child safety</li> <li>▶ clear and well communicated process to facilitate and support the reporting of allegations</li> <li>▶ delegations that enable notifications by council to the SSR of reportable allegations</li> <li>▶ the investigation of reportable allegations to comply with the Reportable Conduct Scheme</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>
<p>Reportable allegation</p>	<p>Any information that leads a person to form a reasonable belief that an employee or volunteer has committed reportable conduct or misconduct that may involve reportable conduct, whether or not in the course of their employment.</p>

## Mansfield Shire Council | Child Safety Reportable Conduct Reporting Procedure

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\* Sexual misconduct includes **Grooming** which is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time. Grooming is a criminal offence under the *Crimes Act 1958*.

### References / Related Policies

- ▶ Mansfield Shire Council Child Safety and Wellbeing Policy
- ▶ Mansfield Shire Council Child Safety and Wellbeing Procedure
- ▶ Mansfield Shire Council Staff Code of Conduct
- ▶ Mansfield Shire Council Disciplinary Policy
- ▶ *Child Wellbeing and Safety Act 2005*
- ▶ *Crimes Act 1958*
- ▶ Commission for Children and Young People (CCYP)
  - Information sheet 1 - [About the Reportable Conduct Scheme](#)
  - Information sheet 2 - [What is reportable conduct?](#)
  - Information sheet 3 - [Responsibilities of the head of an organisation](#)
  - Information sheet 4 - [Investigation overview](#)
  - Information sheet 7 - [Reporting to the Commission](#)
  - [Guidance for Organisations Investigating a Reportable Conduct Allegation](#)
  - [Guide for including children and young people in reportable conduct investigations](#)
  - [Early Years obligations and the Reportable Conduct Scheme](#)
  - [A step-by-step guide to making a report to Child Protection](#)