
Bendigo Regional YMCA – Responding to Child Abuse Reports and Allegations Policy

ACF Standard 6.1

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Drafted by	JB	Approved by Board on	01.05.2017
Responsible Person	CEO	Scheduled Review date	01.05.2018

1.

INTRODUCTION

The Bendigo Regional YMCA (BRYMCA) is committed to protecting the children and young people to whom it delivers a service. Our personnel are required to identify, report, and respond to any concerns about, or incidents of, child abuse or neglect towards children or young people perpetrated by personnel within our organisation or by other persons.

2. KEY REQUIREMENTS

2.1 Issue, Concern and Allegation Identification

All personnel are empowered to ask questions and raise concerns about any matter relating to the safety of children and young people. Personnel must also remain alert to the risk indicators of child abuse.

Supervisors must take steps to create a culture where personnel feel empowered to ask questions and raise concerns about any matter relating to the safety of children, BRYMCA's SCYP commitment, applicable legal requirements, appropriate behavior guidelines, or any other matter relating to the appropriate interactions with children and young people.

Throughout this policy we refer to the requirement for personnel to report any concerns to their supervisor. It is important to note that in any instance where personnel feel they cannot report the matter to their supervisor they should report to the supervisors supervisor or the Safeguarding Children Program Coordinator.

All personnel must inform their supervisor about any concern that relates to inappropriate or unnecessary contact with children or young people, the safety of children or young people, or any other concern that may have an impact on the BRYMCA's provision of a safe environment for children and young people. All personnel must inform their supervisor when a patron or member of the public reports of inappropriate contact, suspicious behavior, or any form of suspected child abuse. Supervisors must **then** appropriately respond to *all* reports of concerns involving children and young people.

In circumstances where there is evidence of a satisfactory reason for the incident of concern, or the report is untrue or unfounded (e.g. based on incorrect information), and there is evidence that there is no risk to children or young people; no action is required and the Supervisor should maintain local records documenting the report and

the process taken. This documentation is not to be given to any other party unless clearly required under relevant legislation.

In circumstances where there is evidence of a potential major or minor concern, or evidence of multiple reports from a variety of sources, the report should be reviewed to determine the seriousness of the concern identified, and responded to accordingly. Minor and major concerns can be defined as:

- **A Minor Concern** - a matter that presents as a minor breach to policy, procedure or process that does not endanger, or have the potential to endanger, the health and safety of children or young people. Minor Concerns should be recorded locally, and responded to through education, discussion or performance management and disciplinary processes.
- **A Major Concern** - a matter that relates to an instance of, or elevated risk of child abuse, suspicious behavior, or serious concern regarding the health and safety of children and young people.

2.2. Major Concern Reporting and Notification

2.2.1 Concern

All personnel must report any concern regarding the health and safety of children and young people directly to their supervisor immediately, or as soon as possible before the end of the shift.

Personnel with immediate/urgent concerns about the safety of a child should contact the local Police and the Department of Human Services Child Protection Crisis Line by telephone on 13 12 78.

2.2.2 Reporting and Notification

Supervisors must ensure that a Child Abuse Incident Form has been completed and that the report has been logged via the YMCA's online Incident Reporting System, as soon as possible, upon becoming reasonably aware of child abuse, suspicious behavior or concern regarding the health and safety of children and young people.

Supervisors must assess and appropriately respond to reports of major concerns regarding the health and safety of children and young people. Supervisors should ensure that those involved following an allegation or report of abuse or neglect have access to counselling and support.

In taking a report of concern, or of an incident, from others within our organisation our personnel are:

- not to assess the validity of such concerns, but to report all concerns to the Supervisor
- to disregard factors such as the authority or position of the persons involved and any pre-existing views about the good character, or otherwise, of any person involved or under investigation.

In situations where a child or young person is making an allegation, our personnel are required to:

- listen to the allegation or disclosure supportively, without dispute
- clarify the basic details, without seeking detailed information or asking suggestive or leading questions, using the Child Abuse Incident Form
- record on the Child Abuse Incident Form what was said (where possible, noting the exact words used by the person making the allegation)
- date and sign the record
- explain to the child (if present) that other people may need to be told, in order to stop what is happening
- provide reassurance that our organisation will take immediate action in response to the allegation.

- report the matter to their supervisor

2.2.3 Concerns Relating to Personnel

Where concerns involve YMCA Personnel the Chief Executive Officer and Safeguarding Children Program Coordinator will:

- complete a Child Abuse Incident Form to ensure all relevant details are documented
- cooperate with the Police and other authorities and assist in their investigation of the allegation
- take any action necessary to safeguard the child or young person (or other children or young people in our care) from additional harm through options such as:
 - redeploying that staff member to a position where they do not work with children
 - .additional supervision of that staff member
 - removing or suspending that staff member from duty until the validity of the allegations is determined
 - assist in addressing the support needs of those impacted by the allegation including the child and their family, the person against who the concern has been raised (ie offering professional counselling) and other personnel impacted by the concerns raised
 - make clear to all other personnel who are aware of the allegation that the allegation does not mean the person is guilty, and that the allegation will be properly investigated and they are not to discuss the matter with any person, except as directed by police, child protection authorities and the Chief Executive Officer or Safeguarding Children Program Coordinator and only in direct relation to investigation of the

allegation.

All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or young person arising from an action by an employee or volunteer within our organisation will be investigated and will be the subject of a critical incident review. This will also be reported to the Australian Childhood Foundation within 28 days, in accordance with the requirements of the Safeguarding Children Program. This report will be made by the Chief Executive Officer and/or Safeguarding Children Program Coordinator.

2.2.4 Responding

Supervisors must formally respond to a concern in relation to the health and safety of children and young people, which may include a formal investigation and reporting to external authorities.

Following the identification of a major concern relating to the health and safety of children and young people, all personnel must take steps to assess and respond to the immediate health and safety risks for the child or young person. If unsure of an appropriate response, personnel should contact their immediate supervisor, the Safeguarding Children Program Coordinator or the Chief Executive Officer.

Supervisors must appropriately respond to all major concerns and must liaise with the Safeguarding Children Program Coordinator or the Chief Executive Officer as to the appropriate course of action. This may include:

1. Seeking advice from the Department of Human Services (e.g. matters that involve the family unit)
2. Internal or external Investigation
3. Reporting to the Department of Human Services
4. Reporting to the Police
5. Reporting/speaking to parents/legal guardians (if appropriate)
6. Revocation of membership

7. Escorting the person off premises

2.2.5 External Reporting

When it has been determined that external authorities will be notified (i.e. Police, Department of Human Services (DHS), or other external authority), personnel must inform the Chief Executive Officer and Safeguarding Children Program Coordinator.

This reporting obligation relates to suspected abuse occurring either in the context of the child or young person's family/home environment, in places or organisations outside of the family, or specifically in the course of their involvement in BRYMCA activities. Supervisors must seek advice and direction from the Chief Executive Officer and **or** Safeguarding Children Program Coordinator regarding the involvement/notification of the parents/legal guardians of the child or young person, in relation to the matter.

BRYMCA acknowledges updated legislation with regards to failure to protect, disclose and grooming offences.

The offence for failure to disclose child sexual abuse came into force on 27 October 2014. This offence has been introduced as part of the *Crimes Amendment (Protection of Children) Act 2014*.

This new offence requires that any adult (aged 18 and over) who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) disclose that information to police (unless they have a reasonable excuse).

Also, a new criminal offence for failing to protect a child under the age of 16 from a risk of sexual abuse will commence on 1 July 2015. The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

The Grooming offence is now also in effect to target individuals who communicate with a child or their parents with the intent of committing child sexual abuse.

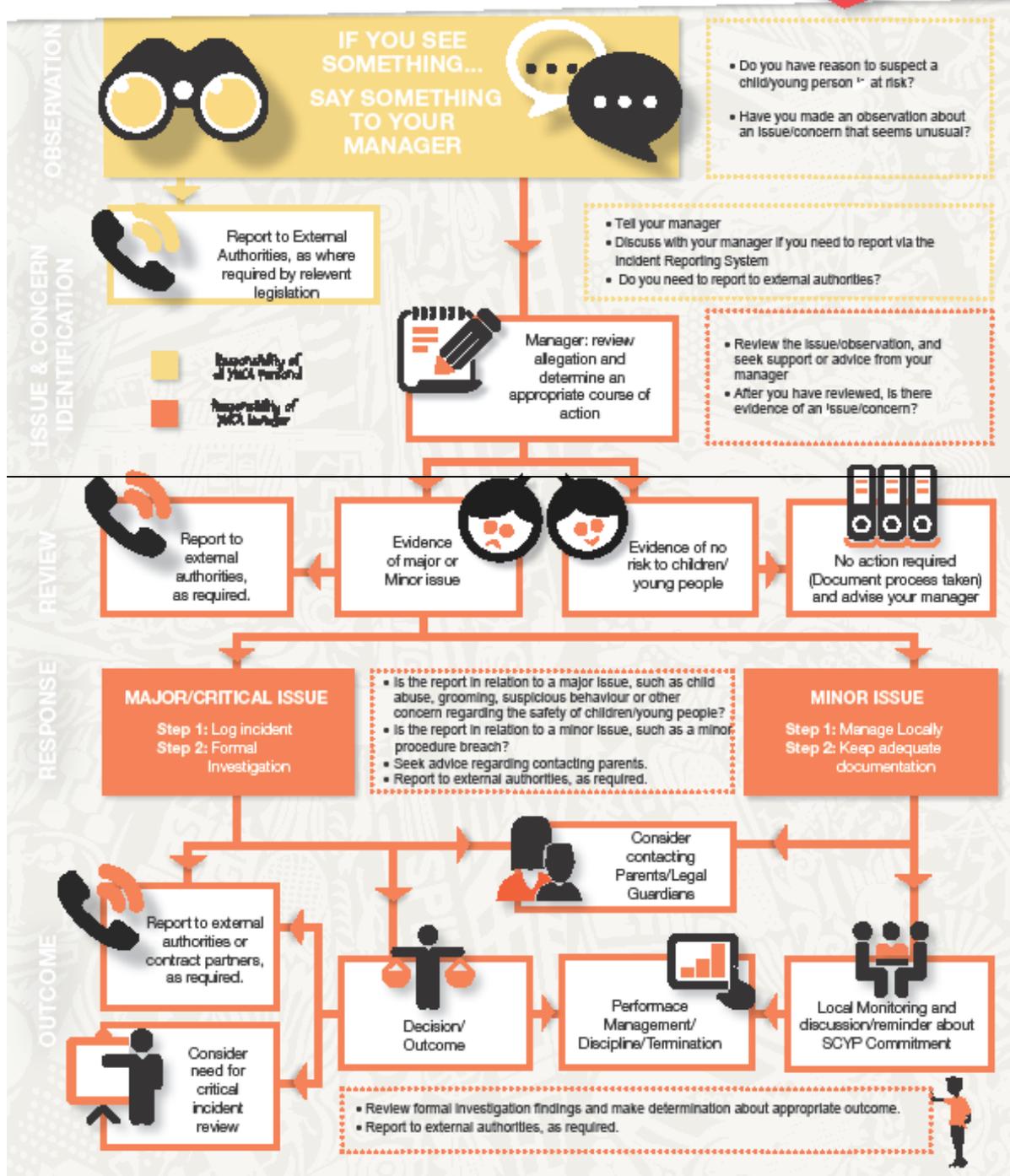
Reporting will include:

- **BRYMCA Child Abuse Incident Form**
- **A report to DHS** should be made in circumstances that occur within a child or young person's family/home environment involving suspected physical abuse, disclosure of sexual abuse, emotional abuse, persistent neglect and/or family violence, the perceived abandonment of a child or where a child's behavior may cause harm to themselves or others and the parents are unable/unwilling to control the child.
- **A report to the local Police Station** should be made in circumstances of concern about emotional, physical or sexual abuse, physical or sexual assault, neglect, accumulated harm, or any other threat to the health and safety of children and young people.
- If a situation is **life threatening contact police on Triple Zero '000'**.

- For immediate **concerns about the safety of a child of a child within their family unit**, contact the **Department of Human Services Child Protection Crisis Line by telephone on 13 12 78.**

SAFEGUARDING CHILDREN & YOUNG PEOPLE

Reporting + Notification flowchart



2.2.5 Consequences of breaching policy

If our personnel fail to report concerns in relation to abuse or neglect of a child or young person – by personnel within our organisation or by others – we view such failure as a serious matter that, depending on the circumstances, may result in disciplinary action or be grounds for dismissal.

Our policy prohibits all personnel from:

- discussing any concerns or allegations with unauthorised personnel – within or outside our organisation – such prohibition not being designed to limit, in any way, their rights and responsibilities to report their concerns or allegations, but rather as part of our organisation’s commitment to ensuring privacy, confidentiality and natural justice
- making deliberately false, misleading or vexatious allegations.

Our personnel are obliged to raise any concerns they might have in relation to:

- our organisational policies designed to safeguard children and young people
- actions of other personnel within our organisation that contravene our policies, or that may otherwise have the potential to harm a child or young person.

2.2.6 Confidentiality and privacy

Our organisation maintains the confidentiality and privacy of all concerned (including the alleged perpetrator), except if doing so would compromise the welfare of the child or young person and/or investigation of the concern.

2.2.7 Documentation

As part of our policy for responding to reports or allegations of child abuse, we have developed a Child Abuse Incident Form, which is to be used by any of our people to document any allegation, disclosure, incident or concern regarding child abuse. In situations where our personnel become aware of abuse whether through observation of potential indicators, such as bruises or cuts, or by directly observing potentially abusive behavior towards a child or young person, they are required to use the Child Abuse Incident Form to record their observations and concerns as accurately as possible.

The Chief Executive Officer and Safeguarding Children Program Coordinator will oversee creation of a file to contain the completed Child Abuse Incident Form and any other documentation relating to the concern and subsequent action.

So as to prevent access by unauthorised persons, our organisation stores any documentation associated with a concern of abuse or neglect of a child or young person by having:

- hard-copy documentation stored in a locked filing cabinet (or similar)
- electronic documentation stored in a password-protected folder (or similar).

We maintain and regularly monitor records of notification of incident reports as part of our Incident Management processes to ensure that they are responded to effectively in accordance with this policy and that requirements for reporting to external authorities are complied with.

3. DEFINITIONS

Bullying	<p>Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:</p> <ul style="list-style-type: none"> • <i>Verbal</i> (name calling, put downs, threats); • <i>Physical</i> (hitting, punching, kicking, scratching, tripping, spitting); • <i>Social</i> (ignoring, excluding, ostracising, alienating); and/or • <i>Psychological</i> (spreading rumours, stalking, dirty looks, hiding or damaging possessions).
Child or young person	A person under the age of eighteen years.
Concern	Any issue, concern or allegation about any matter relating to the safety, abuse or neglect of children and young people.
Contractor	Any external agent engaged by BRYMCA to provide goods or services to the YMCA
Emotional or psychological abuse	<p>Emotional or psychological abuse occurs when a child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a child. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviors continue to an extent that results in significant damage to the child's physical, intellectual or emotional wellbeing and development.</p>
Family Violence	<p>Family violence occurs when children are forced to live with violence between adults in their home. It is harmful to children. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children and young people at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.</p>
Grooming	<p>Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a child with a view to abusing them at some stage. There is no set pattern in relation to the grooming of children. For some perpetrators, there will be a lengthy period of time before the abuse begins. The child may be given special attention and, what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a child in and abuse them relatively quickly. Some abusers do not groom children but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by other technological channels.</p>
Harm	<p>Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> • physical, psychological or emotional abuse or neglect; • sexual abuse or exploitation; • a single act, omission or circumstance; and • a series or combination of acts, omissions or circumstances.

Neglect	Neglect is the persistent failure or deliberate denial to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.
Personnel	All BRYMCA Manager, Supervisors, Employees, Volunteers, Board Members and Consultants
Physical abuse	Physical abuse occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behavior includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful over training, and kicking. It also includes giving children harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child at risk of being hurt.
Safeguarding Children Program Coordinator	The person who holds the responsibility for the organisation to: <ul style="list-style-type: none"> • coordinate the ongoing review of SCYP systems and practices • lead Senior Management Team in the promotion of SCYP understanding and awareness across the organisation and to families and program participants • respond to and lead investigation into any/all reports from staff or families and report to the CEO and Board • Work with CEO to ensure the organisation's safeguarding practices meet or exceed the standards required to maintain ACF external accreditation
Sexual abuse	Sexual abuse occurs when an adult or a person of authority (e.g. older) involves a child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse.
Sexual exploitation	Sexual exploitation occurs when children are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet. Exploitation can also involve children who are forced into prostitution.
Supervisor	The term to describe either a manager, supervisor, coordinator, team leader or person in charge.

4. SCOPE

All individuals are empowered to ask questions and raise issues/concerns about any matter relating to the safety of children and young people.

All personnel within our organisation are required to meet the requirements of our policy on responding to child abuse reports and allegations.

No one within our organisation is exempt from meeting the standards and requirements set out in this policy.

5. ROLES & RESPONSIBILITIES

Position	Responsibility
Board / Sub Committee(s)	<ul style="list-style-type: none"> • Ensure adequate resources are allocated to allow effective implementation • Approval of this policy and procedures
Chief Executive Officer	<ul style="list-style-type: none"> • Implement policies and procedures across the organisation • Ensure personnel have access to and understand this policy and related procedures • Ensure all managers/supervisors have access to support and advice to understand and implement policies and procedures • Plan organisational resources and requirements for policy and procedure implementation • Ensure annual organisational reporting is completed
Safeguarding Children's Program Coordinator (Community Services Manager)	<ul style="list-style-type: none"> • Review and update this document and supporting resources in consultation with relevant stakeholders • Support the coordination of the SCYP framework and implementation • Provide training and advice in the application of policies and procedures
Supervisors	<ul style="list-style-type: none"> • Ensure all Personnel understand and can access the Policy and Procedure, and other related Policies and Procedures, and comply with them at all times • Responsible for addressing any instance of non-compliance with this Policy, and implementing strategies to help prevent non-compliance with this Policy. • Responsible for implementing the processes outlined in this Policy, in accordance with this Policy, as required.
Personnel	<ul style="list-style-type: none"> • Take all reasonable steps to protect and safeguard children and young people from any form of child abuse • Participate in required Incident Reporting and Investigation Protocol • Immediately report any suspected child abuse to external authorities and YMCA Management, as per the reporting obligations within this procedure • Obtain and maintain a valid WWCC, as required in the Working with Children Check procedure. • Comply with all other procedures relating to children's safety.
Contractors /other involved persons	<ul style="list-style-type: none"> • Work within the provisions of these procedures • Participate in required Incident Reporting and Investigation Protocol • Note: This procedure applies to contractors/consultants who will have or are likely to have direct contact with children and young people, or that are unsupervised and in the presence of children or young people, pending a risk assessment.

6. MONITORING & REVIEW

This document will be reviewed annually, in consultation with stakeholders. Some circumstances may trigger an early review, this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the YMCA Board and/or the Chief Executive Officer. We retain 'evidence' to document each review undertaken. Such evidence may include minutes of meetings and documentation of changes to policies and procedures that result from a review.

External audit and verification will be conducted by the Australian Childhood Foundation at 3 yearly intervals.

9. SUPPORTING DOCUMENTS (PROCEDURES, LEGISLATION, FORMS, WORK PRACTICES)

There are a number of documents (policies, procedures, guidelines and industrial instruments) which support or relate to the procedure of responding to child abuse and allegations policy including, but not limited to:

9.1 RELATED BRYMCA POLICY

- Safeguarding Children and Young People Policy
- Working with Children Check Procedure
- Interactions with Children Policy (Children's Services)
- Bullying, Harassment and Discrimination policy
- Code of Conduct
- Arrival and Departure in Children's Services Policy
- Children's Services Excursions and Routine Outings Policy
- Incident Management Procedure
- Recruitment and Selection Procedure

9.2 RELATED LEGISLATION, REGULATIONS

- Working with Children Act 2005
- Working with Children Regulations 2006
- Education and Care Services National Act 2010
- Education and Care Services National Regulations 2011
- Child Employment Act 2003
- Children's Services Act 1996
- Education and Care Services National Law 2010
- Serious Sex Offenders Monitoring Act 2005
- Sex Offenders Registration Act 2004
- Disability Act 2006
- Charter of Human Rights and Responsibilities Act 2006
- Occupational Health and Safety Act 2004
- United Nation Convention on the rights of the child
- Children, Youth and Families Act 2005
- Commission for Children and Young People Act 2012
- Victorian Crimes Act 1958
- Child Safe Standards