

YMCA Geelong – Mandatory Reporting (Abuse or Allegations) Policy



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Policy Number	Date Approved	Date Last Amended	Status
YG 105-G	29/04/2014 23/02/2016	April 2011 09/02/2016 23/02/2016 31/03/2016	BOARD-Approved

1. MANDATORY REPORTING (ABUSE OR ALLEGATIONS) POLICY

2. INTRODUCTION

YMCA staff and volunteers working with children and young people and their family have an important role to play in protecting children who may be at risk of harm due to abuse or neglect. YMCA staff and volunteers are in daily/regular contact with children and young people and their families, so are well placed to observe when a child or young person appears to be at risk of harm.

The YMCA's wide range of programs and services are provided in communities where there is a focus on prevention and early intervention. It will be clear practice within the YMCA that our approach to child protection and reporting will support all children and young people in various stages of vulnerability.

3. POLICY

3.1 Duty of Care

Duty of care is the legal obligation each person has to take reasonable care to avoid causing foreseeable harm to another person or their property. The YMCA owes a duty of care to anyone who is reasonably likely to be affected by YMCA activities.

3.2 Position on Reporting

YMCA requires that all staff, volunteers and directors report incidents to the relevant State/Territory Child Protection Authority/Department and Australian Childhood Foundation. This reporting requirement is applicable to staff and volunteers during the course of carrying out their professional duties if there is a belief on reasonable ground that a child or young person is in need of protection.

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 YMCA activities. This reporting is in relation to suspected abuse by a YMCA or other organisation staff member or volunteer, or through peer to peer interactions.

3.3 Organisational Approach to Reporting

YMCA understands the complexity surrounding the disclosure of sensitive information and the potential impact that this may have on staff, children, young people, volunteers and families. It is for this reason that the YMCA encourages a consultative approach to reporting in accordance to State based legislation, upholding our duty of care to the child or young person and the duty of care to the reporter.

The intent of this consultative approach will in no way delay or impede the reporting requirements. The YMCA understands the importance of having ongoing and comprehensive support and management mechanisms in place when dealing with sensitive information in regards to child protection issues. Consultation processes relevant to each State/Territory are to be followed with particular attention being given to the need for confidentiality in regards to such information. Only those managers and staff that fall within the consultative process, those providing a direct service to the individual involved in the report and State Child Protection Department staff will have access to any documentation of the notification.

The YMCA will be supportive and cooperative of any State Child Protection Department and Police requirements and other agencies as required by law. Compliance to any reasonable request will be met in a timely manner. Staff and volunteers will be resourced and supported by management.

3.4 Reporting Processes

YMCA staff and volunteers will be required to work with their direct supervisor/manager during the consultation process to determine that all necessary information has been collated in order to form a belief on reasonable grounds to make a formal report on the allegation of abuse.

YMCA staff and volunteers will be given time within program to make the report to the relevant State Child Protection Authority/Department/ Australian Childhood Foundation. All documentation used during this reporting process will be filed and stored in a confidential manner. This documentation is not to be given to any other party unless clearly falling under relevant State legislation.

Reporting should occur with a timeframe that is reasonably applicable to a child being at risk ie: no later than 24-48 hours.

3.5 Training and Communication

YMCA Geelong staff are required as part of the Induction Process, to read and answer questions through online training regarding this policy. The YMCA systems enables each person access our policies and procedures online www.geelong.ymca.org.au policy link. Staff/Volunteers must complete the compliance checklist to indicate their understanding and knowledge of policies and procedures and provide completed checklist to their supervisor to sign off within three months of commencing employment. All staff also have access to each policy through this system at any given time.

Additionally, ongoing education is provided through staff meetings and internal training sessions.

3.7 Failure to Disclose / Mandatory Reporting Responsibilities- Child Sexual Abuse

Any adult who forms a reasonable belief that sexual abuse has been committed by an adult against another person, especially a child or young person, has an obligation to report that information. Failure to disclose the information is a criminal offence. Therefore, YMCA Geelong staff and volunteers must report any instance of serious abuse immediately to their Direct Supervisor or the Safeguarding Children Coordinator. As part of our Safeguarding requirements, Duty of Care, and current legislation, staff and volunteers must follow the procedure on **Page 7** of this document.

Upon the commencement of interviews, candidates and employees must disclose to the employer any convictions or charges that they have incurred. If at any given stage an employee fails to disclose this information, it could result in the activation of the *Disciplinary and Termination Procedures*.

Additionally, staff and volunteers have the right to report any concerns or allegations that they may have to relevant authorities such as the Police.

3.8 Failure to Protect Responsibilities- Child Sexual Abuse

Each person in authority in an organisation must act if they know that someone within their organisation poses a risk of committing an offence against another person. YMCA Geelong is responsible for protecting all people from harm, as far as reasonably possible. Management reserves the right to introduce, change or remove any practices or procedures that do not comply with the requirements to protect individuals from harm.

3.9 Guidelines when responding to Child Sexual Abuse and Allegations

Our personnel are required to report any instance of abuse or neglect (cases in which a child or young person has suffered, or is likely to suffer, significant harm from abuse or neglect) immediately. If that is not possible, staff and volunteers are required to report any instance no later than the end of their shift

or session of work.

In taking a report of concern, or of an incident, staff and volunteers:

- Are NOT to assess the validity of such allegations or concerns, but to report all allegations or concerns to the nominated person(s) within our organization as described in this policy. (The validity of an allegation will then be assessed in the manner described in this policy).
- Are 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.
- Are able to ask non-leading, open-ended questions using the person's specific language in order to clarify or confirm discloser's meaning, timeframes, or descriptions.

Similarly, our personnel are obliged to raise any concerns they might have in relation to:

- Our organisational policies designed to safeguard children and young people – such as outlined in our 'Practice and Behavior Guidelines' and in the Safeguarding Children and Young People Policy
- Actions of other personnel within our organization that contravene our policies or that may otherwise have the potential to harm a child or young person.

3.8 Allegations against a staff member of YMCA Geelong

If an allegation has been made against a staff member, the CEO, in conjunction with The Children's Payroll HR Coordinator, will:

- Take any action necessary to safeguard the child or young person (and 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 or young people
 - Providing additional supervision of that staff member
 - Removing / suspending that staff member from dutyThese actions will be until the validity of the allegations is determined.

- Address the support needs of the person against whom the complaint is made by, for example, offering professional counselling to all 'involved people'.
- 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 properly investigated.
 - They are not to discuss the matter with any person, except as directed by the Police, Child Protection authorities and/or our CEO/Payroll HR Co-ordinator, and only in direct relation to investigation of the allegation.

3.9 Documentation & Reporting

The forms that need to be utilised when Documenting an allegation or incident include the *YMCA Geelong Incident Report Form* and when required a *Serious Incident Report Form* (for the DET).

The completed forms will need to be submitted to the CEO/Payroll HR Co-ordinator immediately.

In response to any instance of serious abuse or neglect (serious being cases in which the abuse or neglect has resulted in, or is likely to result in, significant harm to a child or young person), our CEO/Payroll HR Co-ordinator will ensure that the incident is reported to:

1. Geelong/ Queenscliff/ Bannockburn Police – immediately 000
2. Child First – within 24 – 48 hours
3. Child Protection Society – within 24 – 48 hours
4. Department of Education & Training (DET) – within 24 – 48 hours
5. Australian Childhood Foundation (ACF) – within 28 days
6. Gymnastics Victoria (GV) Member Protection Policy within 28 days

CEO/Payroll HR Co-ordinator will oversee the creation of a file to contain the completed documentation.

So as to prevent access by unauthorised persons, YMCA Geelong stores any documentation associated with an allegation of abuse by having:

- Hard-copy documentation stored in a locked filing cabinet (or similar)
- Electronic documentation stored in a password-protected folder (or similar)

Only the following people are to have access to any documentation to the report:

- YMCA Geelong Management and YMCA staff who are involved in the reporting;
- Gymnastics Victoria CEO, Australian Childhood Foundation staff and Department of Human Services staff who are providing consultation on the case if and when required;
- YMCA Geelong legal representatives.

3.10 Confidentiality and Privacy

YMCA Geelong 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 the investigation of the allegation.

Our policy also:

- Prohibits all personnel from discussing any concerns or allegations with unauthorized 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 organisations commitment to ensuring privacy, confidentiality and natural justice.
- Prohibits all personnel from making deliberately false, misleading and vexatious allegations.

3.11 Consequences of breaching policy

If our personnel fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a person, especially a child or young person (by personnel within our organization 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. See *Discipline and Termination Policy and Procedure*.

4. DEFINITIONS

CHILD: “A child/young person means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier” (Convention on the Rights of the Child (United Nations, Article 1)).

Relevant State/Territory legislation defines the age of a child in Australian States and Territories.

CHILD ABUSE: Abuse is an act by a parent, caregiver, other adult or peer (older adolescent) who by virtue of their age, power, responsibility or authority endangers a child or young person’s physical or emotional health or development.

Abuse can be a single incident, but more commonly involves a relationship that takes place over time. Abuse can happen in several different ways. Abuse can be physical, emotional and/or sexual. It can also encompass neglect, witnessing family violence and harassing behaviours like bullying.

Reasonable Belief Is not the same as having proof. Reasonable belief is formed is a reasonable person in the same position would have formed the belief on the same grounds.

For example, a reasonable belief might be formed when:

- A child states that they have been abused.
- A child states that they know someone who has been abused (sometimes the child may be talking about themselves).
- Someone who knows a child states that the child has been abused.
- Observations of the child’s behaviours that indicate abuse as discussed below in the Types of Child Abuse section.
- Signs of abuse as discussed below in the Types of Child Abuse section.

Relevant Laws

SCYP is covered by both federal and state legislation. Relevant Acts include:

- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Working With Children Act 2005 (Vic)
- The Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Family Law Act 1975 (Commonwealth)
- Crimes Act 1958 (Section 45 – Commonwealth)
- The Crimes Amendment (Grooming) Act 2014

Physical Abuse

Physical abuse occurs when a parent or caregiver subjects (or threatens to subject) 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, grabbing, hitting, slapping, shaking, throwing, punching, biting, burning and kicking.

Emotional Abuse

Emotional or psychological abuse occurs when a caregiver or parent repeatedly attacks a child’s self-esteem or social competence. Often there is a pattern of emotional or psychological abuse, rather than a single incident. Such abuse may

involve humiliating, threatening, ignoring, intimidating, terrorizing, name-calling, belittlement, inappropriate symbolic acts or continual coldness from the caregiver or parent, to an extent that results in significant damage to the child's physical, intellectual or emotional wellbeing and development.

Sexual Abuse

Sexual abuse is any act in which a person with power or authority over a child (female or male) uses a child for sexual gratification. An abuser can be an adult, adolescent or older child. Sexual abuse spans a range of contact and non-contact behavior. Non-contact behavior includes

- Making sexual comments(in person, in letters, or by telephone, text messages or email)
- Voyeurism- including commenting on physical attractiveness
- Exposing a child to pornography
- Nudity- an abuser exposing parts of their body or the child's body

Contact behavior includes:

- Fondling or kissing
- Sexual penetration
- Exploiting a child through prostitution

Sexual abuse is not usually identified through physical indicators. Often the first sign when behavioral indicators are present.

Behavior indicators include:

- Sudden changes in mood or behavior
- Difficulty sleeping and night mares
- Regressed behavior(for example bed wetting, separation anxiety, or insecurity)
- Change in eating patterns
- Lack of trust or fear
- Lack of appropriate role boundaries in family(for example- child fulfils parental role)
- Acting out behavior(For example, aggressions, violence, lying, stealing, running away or drug or alcohol abuse, suicide attempts
- Withdrawn behavior
- Learning problems at school , loss of concentration, drop in school performance
- Poor relationships or the child appears socially isolated
- Acting out of the behavior with toys, adults or other children
- Inappropriate displays of attention between child and care-giver (for example, being excessively over protective, restricting activities or being inquisitive of sexuality)

Grooming

Grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.

Neglect Neglect occurs when a parent or caregiver fails to provide a child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, medical attention or supervision to the extent that the child’s health and development is, or is likely to be, significantly harmed. Such acts are generally referred to as “acts of omission.” Categories of neglect include physical neglect, medical neglect, abandonment, emotional neglect and educational neglect.

Bullying 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.

Witnessing Family Violence Witnessing family violence is a specific form of emotional or psychological abuse. 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.

5. SCOPE

This Policy was developed and endorsed by the Board of YMCA Australia and to be endorsed by the Board of local YMCA Associations.

This Policy reflects the needs of YMCA Geelong Inc policy and procedures and applies to all operations.

6. ROLES AND RESPONSIBILITIES

Department/Area	Role/Responsibility
Staff / Volunteers	Understand the Policy requirements and utilise knowledge gained through the online safeguarding children training to ensure that suspected abuse cases are reported to supervisors.
Co-ordinator/ Manager	Consider the requirements for mandatory reporting and report any incidents to Child Protection Department if there is a belief on reasonable ground that a child or young person is in need of protection.

7. MONITORING, EVALUATION AND REVIEW

This policy will be reviewed on a three year cycle as a minimum or at a time governed by legislation or regulations.

Compliance will be monitored by the Payroll and HR Co-ordinator to ensure employees/volunteers undertake the prescribed online training prior to commencing employment.

A register will be maintained by the Payroll and HR Co-ordinator and reports will be issued to supervisors of renewal requirements.

8. SUPPORTING DOCUMENTS (LINKS TO PROCEDURES, LEGISLATION, FORMS, WORK PRACTICES)

Code of Conduct
Recruitment Screening Policy
Positive Behaviour Guidance Policy
Membership, Enrolments and Facility Hire Policy

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Policy Owner: CEO
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Amendment history:

Version	Date	Author	Change Description
V1	11/02/2014	Shona Eland	Uploaded to YMCA Geelong Policy Template included scope, monitoring and evaluation clauses.

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Board Meeting 29/04/2014/ & 23/02/2016
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V2	29/04/2014	Shona Eland	Board required a timeframe for reporting
V3	09/02/2016	Shona Eland	Updated and added Clauses 3.6-3.11 Changed title name of policy to Mandatory Reporting (Abuse or Allegations) Policy
V4	31/03/2016	Shona Eland	ACF Advice to update Clause 3.7 and 3.8 to ensure that failure to report and failure to protect legislation is an offence for child <u>sexual</u> abuse.

As Adopted by the YMCA Geelong on 23/02/2016



Chief Executive Officer YMCA Geelong Inc.