

# YMCA Geelong - Safeguarding Children and Young People Policy



## OFFICE USE ONLY

Policy Number	Date Approved	Date Last Amended	Status
YG 104-G	23/02/2016 29/04/2014	08/03/2016 08/02/2016 16/12/2014	APPROVED- BOARD

## 1. SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY (Previously known as Child Protection Policy)

## 2. INTRODUCTION

### Policy Statement

**“Mankind owes to the child the best it has to give.”**

United Nations Convention on the Rights of the Child 1989

The YMCAs of Australia recognise that all children and young people have the right to develop and reach their potential in environments that are caring, nurturing and safe.

The YMCAs of Australia considers any form of child/young person abuse, inclusive of emotional, physical, sexual abuse or neglect, as intolerable under any circumstances

The YMCAs of Australia have a legal, moral and Mission-driven responsibility to protect children and young people from harm and to ensure that any incidents of suspected child abuse are promptly and appropriately managed. **The YMCA supports the Government's position that in our society every child and young person deserves the right to thrive, learn and grow, be respected and valued and enabled to become an effective adult member of the community. The YMCA supports the concept that a community in which the safety, stability, health, development and learning of every child and young person is protected and promoted throughout childhood.**

YMCA Geelong is committed to ensuring that the people who care for children and young people in YMCA programs or services, act in the best interests of the children and young people in their care and take all reasonable steps to ensure their safety. In particular, we are committed to providing an environment where all children and young people are protected from any form of abuse or mistreatment.

YG 104- G Safeguarding Children and Young Persons Policy V7(Approved)

Created: April 2006

Last Approved: YMCA Geelong Inc. Board Meeting 29/04/2014 & 23/02/2016

Reviewed and Updated 16/12/2014, 08/02/2016, 08/03/2016

Next Review: 01/05/2017

YMCA has a duty of care to provide services and places that are safe, open and honest environments that protect children and young people; and where the staff and volunteers who work with children and young people, work within our values of Honesty, Caring, Respect and Responsibility.

This Policy has been benchmarked against the Australian Childhood Foundation safeguard children program and replaced the previously approved Safeguarding Children and Young People Policy approved by the Board of YMCA Geelong Inc. 10/12/2007.

**The policy directly addressed the National Council of YMCA's of Australia Safeguarding Children and Young People Policy approved at the Annual General Meeting on 30/11/2014 and should be read in conjunction with YMCA Geelong's Safeguarding Children and Young People Policy and Procedures.**

### 3. POLICY

#### 3.1 Commitment to safeguarding children and young people

- YMCA Geelong is committed to the Safeguarding of Children and Young People (SCYP) and shall embed all relevant aspects of this policy and related policies and procedures into all of the organisations operations, and ensure compliance with relevant legislation. YMCA Geelong empowers and expects all employees, volunteers, board members, consultants and contractors to create and maintain a safe culture for Children and Young People.
- YMCA Geelong is committed to reducing the risks of abuse or harm to children and young people, and this will be achieved by compliance with the following:
- YMCA personnel shall avoid being alone with children and young people, except in circumstances as outlined in the procedure.
- YMCA personnel shall avoid personal/private direct communications with children or young people, except in circumstances as outlined in the procedure.
- YMCA Personnel shall avoid using personal camera or video camera equipment in the workplace, except in circumstances outlined in the procedure.
- YMCA Personnel shall avoid contact with children and young people outside of the workplace, except in circumstances outlined in the procedure.
- Staff/ Volunteer will maintain all legislated and required staff ratios while engaged in child related work.
- YMCA Personnel shall avoid transporting children and young people alone, except in circumstances outlined in the procedure.
- YMCA Personnel shall take all reasonable steps to protect children and young people from the risks associated with the public nature of YMCA facilities, as guided by the procedure and other resources.

### 3.2 Recruitment and Pre-Employment Screening

YMCA Geelong will provide recruitment and screening practices to support Safeguarding of Children and Young People for all appointments. As such, all recruitment must adhere to:

- Recruitment and Selection Policy
- National Criminal History Check Policy
- Working with Children Check Policy
- Screening processes for third party agency staff complies with YMCA policy.

### 3.3 Training and Induction

All YMCA Geelong Staff and Volunteers must participate in an induction program and undertake the Safeguarding children and Young person online training before commencing work at the YMCA. Annual SYCP training using standardised induction and training resources that focus on the following key elements:

- Legislative requirements
- Protective Behaviors
- Roles and Responsibilities
- Reporting procedures
- Code of conduct
- Behavior management

### 3.4 Involving Parents/Guardians, Children and Young People

YMCA Geelong is committed to educating children, young people and parents/guardians about self-protection, and the promotion of resilience and empowerment strategies within services and programming.

We will offer parents/guardians, children and young people appropriate information, resources and educational initiatives with respect to the safeguarding of children and young people in the community.

### 3.5 Child abuse reporting and allegations

YMCA Geelong personnel must report all suspected child abuse and allegations, as per the reporting guidelines outlined in the procedure. All reports and allegations will be managed in line with;

- Safeguarding Children and Young People Procedure
- Disciplinary and Termination Policy
- Legislative requirements and mandatory reporting obligations
- YMCA Incident reporting and investigation procedure
- Compliance to the Crimes Amendment (Protection of Children) Act 2014

### 3.6 Policy Compliance, Review and Audit

YMCA Geelong is committed to ensuring all YMCA operations and services are compliant with this policy and that they will participate in the compliance program as specified in this policy. Any policy or procedural breaches will be promptly reported to the relevant YMCA Manager for review, and may result in disciplinary action for staff or volunteers.

As detailed in the SCYP Procedure, the compliance program will audit employee/volunteer records, training compliance and incident report compliance, through the following mechanisms:

1. Annual self-assessment and reporting by all YMCA centres and programs as outlined by the procedure.
2. Peer review which is regionally administered based on a sampling model.
3. Annual management review.
4. External verification based on a sample model.

### 3.7 Staff and Volunteer Obligations

Staff and Volunteers are accountable to their supervisors and the CEO/Manager for ensuring the SC&YP Policy practices are effectively implemented and monitored. In particular, staff and volunteers are required to:

- Be familiar with the contents of this SC&YP Policy and promptly seek clarification as they require
- Promote the safeguarding of children and young people (child protection)
- Be aware of the risk of child abuse and the indicators of child abuse
- Be clear about what is acceptable behaviour when dealing with children
- Immediately report any suspected incident of child abuse to the Chief Executive Officer/Manager and otherwise respond as required and expected by this policy, State requirements and by law
- Maintain confidentiality in investigations of suspected child abuse.
- Fully cooperate with the defined relevant local/state/federal agencies in investigations of suspected child abuse.
- Adhere to prescribed minimum staff - child ratios
- Report annually to the Chief Executive Officer/Manager on their implementation, monitoring and review of this SC&YP Policy, related policies and relevant workplace and program/ service practices

#### 4. DEFINITIONS

Please read YMCA Safeguarding Children and Young People Children Protection Policy Adopted 30/11/2014 for key definitions.

<b>Child / Young Person</b>	A child or young person means every human being below the age of eighteen (18) years of age. Refer to relevant state legislation for the legal definition of a child in Australian States and Territories.
<b>Regular and Direct Contact with Children</b>	Contact that is not incidental, but normally part of providing a service or activity for children young people, that involves physical contact, face to face communication or contact within eyeshot when providing services or activities for children.
<b>Reasonable</b>	That which a rational person having regard for all circumstances would consider appropriate.
<b>Age of Consent</b>	The age of consent for sexual activity is 16 years old. Concepts to consider when determining if sexual activity between adolescent 'peers' is consensual; <ul style="list-style-type: none"> <li>• Equality - are the parties equal or does one party have undue power over the other?</li> <li>• Consent - Has consent being given freely</li> </ul> Threats - by one party to harm them self or others if the other party tries to end the relationship.
<b>Child Abuse</b>	Abuse is an act by a parent, caregiver, other adult or older adolescent that endangers a child or young person's physical or emotional health or development. Abuse can be a single incident, but usually takes place over time. Abuse can happen in several different ways, and can be physical, emotional and/or sexual. Abuse can also encompass neglect and harassing behaviour, such as bullying.
<b>Empower</b>	Give or enable the authority or power to do something and take action. YMCA empowers all employees and volunteers to take action to support the YMCA commitment to Safeguarding Children and Young People.
<b>Safe culture</b>	The ongoing and genuine provision of organisational beliefs and processes that support the YMCA as a workplace and community facility where all people are able to engage freely without the threat or potential threat of physical or psychological harm.
<b>Compliance</b>	Compliance refers to the acceptance and obedience with organisational policies and procedures. Particularly in the context of Safeguarding Children and Young People, compliance refers to the maintenance of all necessary licenses, records and other requirements as per legislation and policy.
<b>Contractor</b>	Any external agent engaged by the YMCA to provide goods or services to the YMCA who are involved in regular direct contact with a child or young person that is not directly supervised. I.e.: Group Fitness Instructor, Birthday host, Skate event Co-ordinator, agency relief staff.
<b>YMCA Personnel</b>	All YMCA Employees, Volunteers, Board Members, Consultants and Contractors.

## New Victorian Laws regarding Safeguarding Children and Young People

In 2014 and 2015, new Laws have come into effect regarding the Safeguarding Children and Young People. These new laws could expose YMCA staff and volunteers to criminal liability in the performance of their work. For example, if in the course of conducting a class, a participant or another person discloses an offence committed against them or the participant as a child, and that offence has not been disclosed already, then the staff or volunteer to whom the information was disclosed must disclose it to the authorities.

### New 'Failure to Disclose' Offence

#### Source: Betrayal of Trust Factsheet: Failure to Disclose, Victorian Government.

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon ALL adults to report information about child. Any adult who forms a reasonable belief that abuse has been committed by an adult against a child or young person has an obligation to report that information. Failure to disclose the information is a criminal offence.

There are exemptions to the requirement to reporting. However, YMCA requires that all information of suspicions or reports of abuse must be passed on to the Safeguarding Coordinator or direct Supervisor. The Safeguarding Coordinator will then decide whether exemptions apply, such as:

- The person requests confidentiality. This only applies for people aged 16 or over. The law recognises that a child under 16 is not able to make this kind of decision and may lack the capacity to fully understand the effects of abuse. However, this does not apply in the following circumstances:
  1. The person has an intellectual disability,
  2. The victim does not have the capacity to make an informed decision about a disclosure.
- The information has already been passed on to authority.
- There is reasonable belief that the report will endanger the safety of the person or others.

The maximum penalty for failing to disclose is 3 years imprisonment.

### New 'Grooming' Offence (Victoria)

#### Source: Betrayal of Trust Factsheet: Grooming, Victorian Government.

Grooming is now a criminal offence. This offence targets predatory conduct designed to facilitate later sexual activity with a child. The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.

The offence can be committed by any person aged 18 years or over (not children who are aged 16 or 17). It does not apply to communication between people who are both under 18 years of age.

The maximum penalty for grooming is 10 years imprisonment.

### **New 'Failure to Protect' Offence (Victoria)**

**Source: Betrayal of Trust Factsheet: Failure to Protect, Victorian Government.**

A new criminal offence has been created in Victoria for failing to protect a child under the age of 16 from criminal sexual abuse. The offence will apply where there is a substantial risk that a child under the care, supervision or authority of an organisation will become a victim of an offence by an adult associated with that organisation.

### **What is the offence of failing to protect a child from sexual abuse?**

If a person in authority knows that someone within their organisation poses a risk of committing a sexual offence against a child and they fail to remove that person who poses the risk, they will themselves be guilty of a criminal offence. As soon as a person in authority becomes aware of a risk of child sexual abuse, they will be under a duty to take steps to remove or reduce that risk.

An individual who falls short of the standard of care that a reasonable person would exercise in the circumstances will be found guilty of the offence. It will not apply where a person takes reasonable steps to protect a child from the risk of abuse, for example, where the allegation is reported and the person removed from any child-related role pending an investigation.

The maximum penalty for failing to protect a child is five years' imprisonment.

**Note: Safeguarding Children and Young People will be abbreviated "SCYP" for the remainder of this document.**

## **5. SCOPE**

This policy applies to all employees and volunteers of YMCA Geelong Inc. and all relevant contractors.

## **6. ROLES AND RESPONSIBILITIES**

<b>Department/Area</b>	<b>Role/Responsibility</b>
Board	<ul style="list-style-type: none"><li>● Ensure adequate resources are allocated to allow effective implementation</li></ul>
Chief Executive Officer	<ul style="list-style-type: none"><li>● Ensure YMCA Managers understand their obligations in accordance to this policy</li><li>● Plan organisational resources and requirements for policy implementation</li><li>● Ensure annual organisational reporting is received</li></ul>
Managers/ Co-ordinators	<ul style="list-style-type: none"><li>● Implementation of policy and procedure</li><li>● In conjunction with People Services, review, develop and</li></ul>

YG 104- G Safeguarding Children and Young Persons Policy V7(Approved)

Created: April 2006

Last Approved: YMCA Geelong Inc. Board Meeting 29/04/2014 & 23/02/2016

Reviewed and Updated 16/12/2014, 08/02/2016, 08/03/2016

Next Review: 01/05/2017

	implement the Safeguarding Children and Young People Procedure
Payroll and HR Co-ordinator	<ul style="list-style-type: none"><li>● Review of policy and procedures in consultation with relevant stakeholders</li><li>● Ensure any significant changes to relevant legislation and/or licensing regulations are adhered to.</li></ul>
Staff and Volunteers	<ul style="list-style-type: none"><li>● Attend induction, complete recruitment requirements, complete training and ensure you are clear about your role and responsibility in reporting requirements in conjunction with relevant stakeholders, policies and procedures</li><li>● Implement centre/service specific procedures in service or team.</li></ul>

## 5. 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.

All 'involved' personnel will be notified and made aware of any changes to the policy and procedures via personal email with a read receipt attached in order to track who has read and acknowledged changes and updates and MY-YMCA Facebook page.

Document Control and Records Maintenance for changes or updates to the Policies and Procedures are implemented on the Version update page to the policy see page 8.

The ACF Self-Assessment Checklist will be completed annually by the Payroll- HR Coordinator in conjunction with the Senior Management team and Chief Executive Officer. This will be completed by 30<sup>th</sup> November each year.

Any changes that have occurred as a result of the Self-Assessment will be communicated to all 'involved' personnel by the 1 February, via email, MY YMCA Facebook or any online management and compliance system that operates at the time.



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

YG 104A- G Safeguarding Children and Young People Procedures

Incident Reporting Procedure

Code of Conduct

Recruitment Screening Policy

Positive Behaviour Guidance Policy

Membership, Enrolments and Facility Hire Policy

Mandatory Reporting Policy

YMCA Responding to Disclosure of Sexual Abuse Policy

Grooming Offence Fact Sheet

Failure to Protect Fact Sheet

Failure to Disclose Fact Sheet

- [Working with Children Act 2005](#)
- [Children, Youth and Families Act 2005](#)
- [Sex Offenders Registration Act 2004](#)
- [Commission for Children and Young People Act 2012](#)
- [United Nation Convention on the rights of the child](#)
- [The Crimes Amendment \(Protection of Children\) Act 2014](#)

Approved by: YMCA Geelong Inc Board

Meeting number and date: Board Meeting 18/12/2007  
Board Meeting 29/04/2014  
Board Meeting 23/02/2016

Resolution number: NA

Effective date: 01/05/2014 update 24/02/2016

Review date: 01/05/2019

Policy Owner: CEO

Contact Details policy owner: geelong@ymca.org.au Ph: 52218344

Amendment history:

Version	Date	Author	Change Description
V1	April 2006	YMCA Australia	Policy approved by Board
V2	April 2011	YMCA Australia	Reviewed by YMCA Australia
V3	13/02/2014	Shona Eland	Updated to YMCA Geelong Policy Template Added- Section 7. monitoring, evaluation and review
V4	03/04/2014	Shona Eland	Reviewed after SMT feedback and Olivia Brown Feedback
V5	16/12/2014	Shona Eland	Update to include reference to YMCA Australia SCYP Policy approved at National AGM 30/11/2014 Included reference to The Crimes Amendment (Protection of Children) Act 2014 – <b>reporting obligations</b> . Included clause pertaining and third party agency staff working in YMCA venues.
V6	08/02/2016	Shona Eland	Updated Monitoring and Review to add Policy communication Document control process Added ACF Self- Assessment to clause 5 Included New Victorian Legislation in policy.
V7	08/03/2016	Shona Eland	Corrected typing error page 5- now read YMCA Page 6 the 'Failure to Disclose' offence details updated to reflect that it only relates to <u>sexual</u> abuse.

As adopted by the YMCA Geelong Inc. on 23/02/2016



Shona Eland  
Chief Executive Officer YMCA Geelong Inc.

YG 104- G Safeguarding Children and Young Persons Policy V7(Approved)

Created: April 2006

Last Approved: YMCA Geelong Inc. Board Meeting 29/04/2014 & 23/02/2016

Reviewed and Updated 16/12/2014, 08/02/2016, 08/03/2016

Next Review: 01/05/2017