

Responding to Abuse Reports and Allegations Policy and Procedures

**If requiring the procedure for
Immediate Response to reports and allegations,
go straight to the [Page 8](#) of this document.**

YMCA Whittlesea is committed to protecting all people, especially the children, and the young and the vulnerable to whom we deliver services to. Accordingly, we have developed procedures to support our Safeguarding Children and Young People Policy on how to respond to abuse reports and allegations.

YMCA Whittlesea staff and volunteers play an important role in protecting children, young people and the vulnerable who may be at risk of harm due to abuse or neglect. Due to regular contact with children, young people, the vulnerable and their families, our personnel are well placed to observe when a child, young person and the vulnerable appears to be at risk of harm.

As part of their role, every staff member and volunteer is required to identify, report and respond to any concerns about, or incidents of, child abuse or neglect towards children, young people and the vulnerable to whom we provide services to. Staff and volunteers must respond to abuse or neglect perpetrated by anyone, including personnel within our organization or by other persons.

Endorsement

We take seriously our responsibility to deliver a supportive environment that is caring, nurturing and safe. Our CEO and Board of Directors are committed to ensuring the safety of all children, young people and the vulnerable to whom we provide services or who participate in our programs.

As part of that commitment YMCA Whittlesea takes seriously our responsibility to deliver programs which recognize that all children, young people and the vulnerable have the right to develop and reach their potential in environments that are nurturing, caring and safe. The YMCA Whittlesea Board of Directors considers any form of child / young / vulnerable people abuse, inclusive of emotional, physical, sexual abuse or neglect, as intolerable under any circumstances.

The YMCA Whittlesea has a legal, moral and mission driven responsibility to protect children young people and the vulnerable from harm, to ensure that any incidents of suspected abuse are promptly and appropriately dealt with.

Responsibilities

No one within our organization is exempt from meeting the standards and requirements set out in this procedure and Safeguarding policy. Especially, all 'involved' personnel within our organization are required to meet the requirements of our procedure on responding to abuse reports and allegations.

'Involved' personnel are defined as:

- All persons with direct contact with children, young people and the vulnerable, their supervisors and managers.
- All senior managers with responsibility for delivering services to children, young people and the vulnerable.
- Anyone involved in dealing with reports or allegations of abuse or with access to children's, young people's and the vulnerable records.
- Where our organization's primary purpose is delivering services to children, young people and the vulnerable, our Directors/Coordinators/Team leaders, Chief Executive Officer, director general or equivalent personnel – which may include; Board of Directors, Volunteers and external contractors)

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 under the active care of staff or volunteers of YMCA Whittlesea's programs, services and facilities.

Defining Abuse and Neglect

Child A child / young person is a person below the age of eighteen (18) years.

Vulnerable An adult, aged 18 or over; who is, or may be, in need of community services due to age, illness or a mental, intellectual or physical disability. Who is, or may be, unable to take care of himself/herself, or unable to protect himself/herself against significant harm or exploitation.

Victims of family or domestic violence or those who are experiencing some form of hardship.

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, young person' or the vulnerable's physical or emotional health or development. Abuse can be a single incident, but more commonly takes place over time.

Abuse can occur in a number of different ways. See below for definitions of types of child abuse.

Reasonable Belief Is not the same as having proof. Reasonable belief is formed when 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 person states that they have been abused.
- A person states that they know someone who has been abused (sometimes the child, young, vulnerable person may be talking about themselves).
- Someone who knows the person states that the child, young or vulnerable person has been abused.
- Observations of the child, young or vulnerable's behaviours that indicate abuse as discussed below in the Types of Abuse section.
- Signs of abuse as discussed below in the Types of 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, young or vulnerable person 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, young or vulnerable person. Physical 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, young person and vulnerable 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, young person or vulnerable 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, young or vulnerable person (female or male) uses them 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, young or vulnerable person appears socially isolated
- Acting out of the behavior with toys, adults or other children
- Inappropriate displays of attention between child, young or vulnerable person 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, young or vulnerable person for sexual activity at a later time.

Neglect

Neglect occurs when a parent or caregiver fails to provide a child, young or vulnerable person 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, young or vulnerable 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, young or vulnerable person’s life. Exposure to family violence places children, young and vulnerable people at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.

Training and Communication

YMCA Whittlesea staff are required as part of the Induction Process through Y-MAC (YMCA’s Management and Compliance system), to read and answer questions through online training regarding this procedure and Safeguarding Children and Young People Policy. The Y-MAC system enables each person to have a login, where their understanding and knowledge of policies and procedures is monitored. All staff also have access to each relevant policy and procedure through this system at any given time.

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

Organisational Approach to Reporting

YMCA Whittlesea understands the complexity surrounding the disclosure of sensitive information and the potential impact that this may have on staff, children, young people, vulnerable 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, young or vulnerable 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 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/Department of Human and Health Services staff will have access to any documentation of the notification.

The YMCA will be supportive and cooperative of any State Child Protection Department, Department of Human Services 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.

Failure to Disclose / Mandatory Reporting Responsibilities

Any adult who forms a reasonable belief that abuse has been committed by an adult against another person, especially a child, young or vulnerable person, has an obligation to report that information. Failure to disclose the information is a criminal offence. Therefore, YMCA Whittlesea 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 8** 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 Policy*.

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

Failure to Protect Responsibilities

Each person in authority in an organization must act if they know that someone within their organization poses a risk of committing an offence against another person. YMCA Whittlesea 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.

Guidelines when responding to Abuse and Allegations

Our personnel are required to report any instance of abuse or neglect (cases in which a child, young or vulnerable 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 organizational policies designed to safeguard children, young and vulnerable 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, young or vulnerable person.

Allegations against a staff member of YMCA Whittlesea

If an allegation has been made against a staff member, the CEO, in conjunction with The Children's Services General Manager / Safeguarding Coordinator, will:

- Take any action necessary to safeguard the child, young or vulnerable person (and other children, young or vulnerable 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, young or vulnerable people
 - Providing additional supervision of that staff member
 - Removing / suspending that staff member from duty

These 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 be properly investigated.
 - They are not to discuss the matter with any person, except as directed by the Police, Child Protection / Department of Human Services authorities and/or our Children's Services General Manager / Safeguarding Coordinator, and only in direct relation to the investigation of the allegation.

Documentation & Reporting

The forms that need to be utilised when Documenting an allegation or incident are found on Y-MAC > Operations > Forms > Incident Report Form and when required the Reportable Conduct Scheme may be enacted, which will be led by the Children Services General Manager / Safeguarding Coordinator.

The completed YMAC incident forms will need to be submitted to the Children's Services General Manager / Safeguarding Coordinator 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, young or vulnerable person), our Children's Services General Manager / Safeguarding Coordinator will ensure that the incident is reported to:

1. The closest police station to your Service/Centre – immediately
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. Commission for Children and Young People – within 3 days

The Children's Services General Manager / Safeguarding Coordinator will oversee the creation of a file to contain the completed documentation.

So as to prevent access by unauthorised persons, YMCA Whittlesea 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 Whittlesea Management and YMCA staff who are involved in the reporting;
- Australian Childhood Foundation staff and Department of Human Services staff who are providing consultation on the case;
- YMCA Whittlesea legal representatives.

Confidentiality and Privacy

YMCA Whittlesea maintains the confidentiality and privacy of all concerned (including the alleged perpetrator), except if doing so would compromise the welfare of the child, young or vulnerable 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 organization – 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 organizations commitment to ensuring privacy, confidentiality and natural justice.
- Prohibits all personnel from making deliberately false, misleading and vexatious allegations.

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, young or vulnerable 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 *Disciplinary and Termination Policy*.

Procedure for Staff and Volunteers to Deal with Concerns or Allegations of Abuse

When a child, young or vulnerable person tells you that they have been abused, they may be feeling scared, guilty, ashamed, angry and powerless. You, in turn, may feel a sense of outrage, disgust, sadness, anger and disbelief.

If a person, especially a child, young or vulnerable person is at imminent risk of harm or in immediate danger, staff are required to report the situation directly to Police 000

In situations where a child, young or vulnerable person is making an allegation, and / or staff or volunteers have reasonable grounds to suspect the person is at risk of significant harm, our personnel are required to:

1. Listen carefully to the allegation or disclosure supportively, without disputing any information. In particular, you can help them by:

- Telling them that you believe them
- Telling them it is not their fault.
- Telling the child/young/vulnerable person you are pleased that they told you.
- Remain calm and in control of your feelings in order to reassure them.

You will not be helping the child/young/vulnerable person if you:

- Make promises you cannot keep, such as promising not to tell anyone.
- Push them into giving details of the abuse. You are not responsible for conducting an investigation.
- Discussing the matter with anyone else but the appropriate people in authority.

2. Clarify the basic details, without seeking detailed information or asking suggestive or leading questions.

Note: This is for clarification purposes only, not to gain detailed information or to conduct an investigation.

3. Let the person know (with non-alarming and age-appropriate words) that you will make a report to your direct supervisor so that they can help stop the situation from occurring again.

4. Report IMMEDIATELY, or as soon as possible after the above, to one of the following:

- Children's Services General Manager / Safeguarding Coordinator
- Direct Supervisor
- Most Senior Staff (Manager, Director, Coordinator)
- Chief Executive Officer

Note: If any of the above are the subject of the allegation, do not report to them.

5. Follow any directions that are given to you by the above Personnel.
6. Using the YMCA Whittlesea Incident Report Form on YMAC, fill out all details, and record as much information as possible, including what was said.. **This is to be completed immediately if possible or by the end of your shift.**

It is essential that the exact wording used during the disclosure or allegation is reported, minimising interpretative behaviour from the reporter.

In situations where personnel become aware of abuse through observation of potential indicators, such as bruises or cuts, or by directly observing potentially abusive behavior towards a child, young or vulnerable person, staff are to inform the above Management (see Step 4). Staff must also fill out all observations as accurately as possible on the Incident Report Form on YMAC immediately or by the end of their shift.

7. Management will then conduct follow-up reports and manage the parties involved (See *YMCA Whittlesea Critical Incident Policy*).
8. Staff, Volunteers and all 'Involved' People will be provided with support as required. This can include our Employee Assistance Program (EAP). See *Employee Assistance Program Information brochure on your OH&S notice board or it can also be found on YMAC.*

Monitoring and/or evaluation

The Policy will be reviewed every year from the date it was last reviewed as per the version panel. The ongoing monitoring and compliance to this policy will be overseen by our YMCA Whittlesea Safeguarding Coordinator.

Supporting documents (links to procedures and/or work practices)

- Transport Policy
- YMCA Safeguarding Children and Young People Policy
- Safeguarding Children, Young and Vulnerable People Procedure
- Safeguarding Children and Young People CEO Statement
- YMCA Whittlesea Critical Incident Policy
- Reportable Conduct Scheme Scope and Procedure
- Responding to Abuse Reports and Allegations Policy
- Social Media Policy
- 1:1 Support Policy

Related legislation and standards

- 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
- Commission for Children and Young People Act 2012
- Child Wellbeing and Safety Act 2017
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018

Definitions, roles and responsibilities

Department/Role	Responsibility
Safeguarding Children and Young People Policy	National YMCA Policy adopted by YMCA Whittlesea which will also include the Vulnerable
Child, Young Person or Vulnerable person	<ul style="list-style-type: none"> Refers to a person under the age of 18 years. An adult, aged 18 or over; Who is, or may be, in need of community services due to age, illness or a mental, intellectual or physical disability. Who is, or may be, unable to take care of himself/herself, or unable to protect himself/herself against significant harm or exploitation. Victims of family or domestic violence or those who are experiencing some form of hardship.
Managers, Supervisors and Coordinators	Permanent employees who are either Managers of a service or centre or hold a Director status
Any personnel	Any person employed or a volunteer including Board members, contractors, consultants and student placement who are engaged with YMCA Whittlesea.
Safeguarding Coordinator	Children Services General Manager
YMCA Whittlesea Board	Approve the Policy
CEO	Provide official sign off on the Policy

Version control

Version	Date	Author	Change Description
V5	19/11/19	Annette Jurisch	Addition of NIDS rules to legislation listing
V4	05/04/18	Sandra Marson	Updated to include the Reportable Conduct Scheme
V3	03/11/17	Geny Zambello	Updated to include the Vulnerable, YMAC reporting, Department of Human Services, Definitions Table, Supporting Documents.
V2	06/08/15	Geny Zambello	
V1	May 2012	Geny Zambello	

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Reviewed by: Sandra Marson
Position: HR & Systems Manager

Note: Replacing Mandatory Reporting Policy