



Responding to child abuse reports and allegations

Introduction

Chabad Malvern is committed to protecting the children and young people to whom it delivers services. Accordingly we have developed this policy on how to respond to child abuse reports and allegations as a guide to all our people in meeting their responsibilities in this area. Our personnel are required to identify, report and respond to any concerns about, or incidents of, child abuse, peer to peer abuse or neglect towards children or young people to whom we provide services. Our personnel are required to respond to abuse or neglect perpetrated by personnel within our organisation or by other persons.

Endorsement

We take seriously our responsibility to deliver a supporting environment that is caring, nurturing and safe. Our board of directors and senior Rabbis are committed to ensuring the safety of all children and young people to whom we provide services or who participate in our programs.

As part of that commitment our board of directors and senior Rabbi have adopted and endorsed our Child Protection Policy and Safeguarding statement.

Related Policies

- Safeguarding Children and Young People Statement
- Practice and Behaviour Guidelines
- Safeguarding Commitment
- Child Protection Policy
- Incident Management Policy

1. Related Legislation

Our guidelines comply with relevant legislation including:

- Legal requirements for the reporting of child abuse and neglect
- Reportable conduct
- WWCC legislation
- Privacy Act
- Fair Work Act

Scope

All 'involved' personnel within our organisation are required to meet the requirements of our policy on

responding to child abuse reports and allegations.

'Involved' personnel are defined as:

- all persons with direct contact with children, their supervisors and managers
- all senior managers with responsibility for delivering services to children
- anyone involved in dealing with reports or allegations of child abuse or with access to children's or young people's records
- where our organisation's primary purpose is delivering services to children, our directors, chief executive officer, director general or equivalent personnel.

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

Defining abuse (including peer to peer abuse) and neglect

Our organisation is committed to safeguarding the children and young people in our care from abuse in any form, including:

Sexual abuse

Sexual abuse spans a range of contact and non-contact behaviour.

Non-contact behaviour includes:

- making sexual comments (directly, in letters, 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 behaviour includes:

- fondling or kissing
- sexual penetration
- exploiting a child through prostitution.

Physical abuse

Physical abuse occurs when a parent or caregiver 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 behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning and kicking.

Emotional or psychological abuse

Emotional or psychological abuse occurs when a caregiver or parent repeatedly rejects or threatens a child. Often there is a pattern of emotional or psychological abuse, rather than a single incident. Such abuse may involve humiliating, terrorising, name-calling, belittlement, inappropriate symbolic acts or continual coldness from the caregiver or parent, to the extent that results in significant damage to the child’s physical, intellectual or emotional wellbeing and development.

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.

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.

Responsibilities

Position	Responsibility
Executive Officer / Manager	<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
Workforce / HR / Quality	<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
Managers / Supervisors	Ensure policies and procedures are followed and implemented
Employees / Volunteers	Compliance with policy and procedure.

Our personnel are required to report any instance of serious 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, or if that is not possible, no later than before ending that person’s shift or session of work with our organisation.

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 allegations or concerns, but to report all allegations or concerns to the nominated person or persons within our organisation as described in this policy (The validity of an allegation will then be assessed in the manner described in this policy.)

- 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.

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 behaviour guidelines’ and in our ‘Responding to child abuse reports and allegations’ policy
- 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.

All personnel within our organisation are subject to mandatory reporting requirements to Victoria Police on 000 or Child Protection Victoria Hotline on 13 12 78

All our personnel retain the right to report directly to relevant authorities, such as police, any concerns they may have in relation to the safety and welfare of a child or young person, even if they have also reported that matter internally, in line with this policy.

Our policy also:

- 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
- prohibits all personnel from making deliberately false, misleading or 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 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.

Concerns or allegations regarding abuse or neglect by family or other external sources

All our personnel are required to report any instance of child abuse or neglect that has resulted in, or is likely to result in, significant harm to a child or young person, to statutory child protection authorities and to the head of the department.

While our personnel retain the right to report any concern or allegation directly to the relevant authorities, we ask that they also inform our the head of the department they are involved with of any report they make to the relevant authorities, to enable our organisation to best provide support to the child or young person and their family, where appropriate.

If a child or young person is at imminent risk of harm or in immediate danger, our personnel are required to report the situation directly to Victoria Police on 000 or Child Protection Victoria Hotline on 13 12 78

The following legal mandatory reporting requirements also apply to personnel within our organisation:

Mandatory reporting legislation and summary	Relevant personnel who must comply
<p>This legislation requires Mandatory reporting of certain professionals and community members to report incidences of child sexual abuse. These people are called mandated reporters. If the mandated reporters fail to report they may be fined and/or incarcerated</p> <p>Professionals such as doctors, nurses, police and school teachers are legally obliged to report that a child needs protection. In addition, any person who believes on reasonable grounds that a child needs protection should make a report to the Victorian Child Protection Service.</p> <p>Failure to disclose child sexual abuse offence</p>	<p>Section 182 (1) of the Children, Youth and Families Act 2005 (as amended in 2011) lists the following people as mandated to report:</p> <ul style="list-style-type: none"> • registered medical practitioner • nurse • midwife • person who is registered as a teacher under the Education and Training Reform Act 2006 or has been granted permission to teach under the Act • the principal of a Government school or non-Government school within the meaning of the Education and Training Reform Act 2006 • member of the police force
<p>The failure to disclose child sexual abuse offenceS applies to any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) who fails to disclose that information to police. The offence applies to all adults in Victoria, not just professionals who work with children, unless they have a reasonable excuse.</p> <p>Failure to protect offence The failure to protect offence applies to any person within an organisation who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but negligently failed to do so.</p> <p>Grooming offence The grooming offence targets individuals who communicate with a child or their parents with the intent of committing child sexual abuse.</p> <p>Please familiarize yourself with this legislation at https://www.childwise.org.au/page/42/statelegislation-reporting-vic</p>	<p>For more information on mandatory reporting of all state and territories, visit the Australian Institute of Family Studies website.</p>

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 our organisation's 'Record of a child abuse allegation, disclosure or concern' form as a guide
- record on the 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.

In situations where our personnel become aware of abuse (including peer to peer abuse) through observation of potential indicators, such as bruises or cuts, or by directly observing potentially abusive behaviour towards a child or young person, our personnel are required to use our organisation's 'Incident report' form to record their observations and concerns as accurately as possible.

The head of the department will oversee creation of a file to contain the completed 'Incident report' form, and any other documentation relating to the allegation and subsequent action.

So as to prevent access by unauthorised persons, our organisation stores any documentation associated with an allegation 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).

Concerns or allegations of abuse or neglect on the part of our employees or volunteers

All personnel must report, immediately, to the head of the department any instance, allegation, disclosure or reasonable concern of abuse or neglect of a child or young person arising from an action by an employee or volunteer within our organisation.

If the head of the department is unavailable (or the subject of the complaint), our personnel are required to report the matter to a head of another department or the Senior Rabbi.

If a child or young person is at imminent risk of harm or in immediate danger, our personnel are required to report the situation directly to Victoria Police on 000 or Child Protection Victoria Hotline on 13 12 78

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 our organisation's 'Incident report' form as a guide
- record on the 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.

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), the head of the department will ensure that the incident is reported to:

- Victoria Police on 000 or Child Protection Victoria Hotline on 13 12 78 immediately

The head of the department will investigate and deal with allegations of ‘less serious’ instances of abuse or neglect in line with our organisation’s general procedures for complaint resolution and disciplinary measures.

If an allegation has been made against a staff member of our organisation, the head of the department will:

- 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/suspending that staff member from duty 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
- 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 police, child protection authorities and/or their Senior manager and only in direct relation to investigation of the allegation.

The head of the department will oversee creation of a file to contain the completed ‘Incident report’ form, and any other documentation relating to the allegation and subsequent action.

So as to prevent access by unauthorised persons, our organisation stores any documentation associated with an allegation 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).

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 allegation.

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 (including peer to peer abuse) whether through observation of potential indicators, such as bruises or cuts, or by directly observing potentially abusive behaviour towards a child or young person, they are required to use our Child abuse Incident Form to record their observations and concerns as accurately as possible.

Our Child Protection officer will oversee creation of a file to contain the completed Child Abuse Incident Form and any other documentation relating to the allegation and subsequent action.

So as to prevent access by unauthorised persons, our organisation stores any documentation associated with an allegation 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 child abuse 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. These records will inform reviews of the policy as detailed in section 9.

Communication

We communicate our policy requirements to all our personnel involved with children and young people in our organisation. We involve our personnel in reviews of our policy requirements. We communicate any significant alterations to our policy requirements and resources to all personnel.

Monitoring and Review

This document will be reviewed at least every 3 years, 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 Board and/or 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 based on a sample, conducted by the Australian Childhood Foundation shall occur at 3 yearly intervals.

Victorian Legal Reportable Conduct

When the head of Chabad Malvern becomes aware of a reportable allegation against a staff member or volunteer, they will notify the Commission for Children and Young People within three business days.

Within 30 calendar days of becoming aware of a reportable allegation, the head of Chabad Malvern will provide the Commission with detailed information about the allegation, disciplinary or other actions undertaken, and the response of the staff member or volunteer to the allegation.

Further information is also available on the Commission for Children and Young

People's website at www.ccyp.vic.gov.au or Telephone: 8601 5281 Email: contact@ccyp.vic.gov.au