

# Responding to child abuse reports and allegations

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# Responding to child abuse reports and allegations

## Policy Details

### Policy Name:

Responding to child abuse reports and allegations

### Policy Owner:

Administration Manager

### Policy Scope:

Entire organisation of MYMCA

All staff and volunteers are required to comply with this policy

### Stakeholders:

Staff, volunteers, contractors, organisations with user- agreements with MYMCA

### Responsibility:

CEO: MYMCA Inc

Aquarena: Aquarena Centre Manager

Youth Services: Youth Services Manager

Stadiums: Stadiums Manager

## Introduction

Manningham YMCA is committed to protecting the children and young people who participate in our programs and services. Accordingly we have developed this policy on how to respond to child abuse reports and allegations.

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

Our staff and volunteers are required to identify, report and respond to any concerns about, or incidents of, child abuse or neglect towards children or young people to whom we provide services.

Our staff and volunteers are required to respond to abuse or neglect perpetrated by personnel within our organisation or by other persons.

## Endorsement

Our responsibility to provide an environment that is caring, nurturing and safe is something that we take very seriously. Manningham YMCA is 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 the Manningham YMCA Board of Management have endorsed this policy and all staff and volunteers are required to comply with it.

## Other Policies

This policy should be read together with:

- Manningham YMCA Safeguarding Children and Young People Policy
- Manningham YMCA Code of Conduct
- MYMCA Positive Behaviour Guidance Policy
- Membership, Enrolments and Facility Hire Policy

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- Recruitment and Selection Policy

## Responsibilities

### 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. Manningham YMCA owes a duty of care to anyone who is reasonably likely to be affected by MYMCA activities.

### Position on Reporting

Manningham YMCA employs a consultative approach to the reporting of suspected child abuse.

We believe that it is important to have ongoing support and resources for staff when they are dealing with child protection issues. This approach will not delay or impede reporting requirements as required by this policy or related legislation. Counselling will be arranged for staff if required.

When receiving a report of concern, or of an incident, staff :

- Are not to assess the validity of such allegations or concerns, but to report all allegations or concerns to their direct supervisor
- Are to disregard factors such as the authority of the position of the persons involved and any pre-existing views about the good character, or otherwise, of any person involved or under investigation.
- Can ask non-leading, open ended questions using child/young persons specific language in order to clarify or confirm discloser's meaning, timeframes, or descriptions

## 1. Requirement to report suspected abuse to MYMCA

Manningham YMCA staff are required to report suspected child abuse to their direct supervisor/manager or to the MYMCA Child Protection Officer.

Our staff are required to report any instance of **serious** abuse or neglect of a child or young person **immediately**, or if that is not possible, no later than before ending that person's shift or session of work with Manningham YMCA.

**Serious** abuse or neglect refers to situations in which a child or young person has suffered, or is likely to suffer, **significant** harm.

In the event that the suspected perpetrator is the staff person's direct supervisor or manager, the staff person is required to report suspected child abuse to the manager of their supervisor/manager or to the the MYMCA Child Protection Officer.

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## 2. Requirement to report suspected abuse to Government authority or police

Manningham YMCA employees and volunteers are required to report to the relevant Government authority (see contact details below) if, whilst carrying out duties for MYMCA, there are reasonable grounds for the staff to suspect the serious abuse or neglect of a child or young person. **Serious abuse or neglect refers to situations in which a child or young person has suffered, or is likely to suffer, significant harm** (Children, Youth and Families Act 2005 VIC).

This reporting obligation relates to suspected abuse which occurs:

- In a child or young person's family or home environment
- In places or organisations outside of the family
- In the course of their involvement in Manningham YMCA activities. (In this case the alleged perpetrator may be another Manningham YMCA staff member or volunteer or the suspected abuse may have occurred through peer-to-peer interactions).

Staff will be required to work with their direct supervisor during the consultation process. They will be given time to complete the report and gather documentation.

The staff supervisor will inform the CEO, who will in turn inform and consult with the Manningham YMCA Board, ensuring that there are no delays or undue influence placed upon the staff person making the report.

### Receiving reports/Raising concerns

When receiving a report of concern, or of an incident, our staff 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 staff 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 the 'Manningham YMCA Staff Code Of Conduct and in the 'Manningham YMCA Responding to Child Abuse Reports and Allegations' policy
- actions of other staff within our organisation that contravene our policies, or that may otherwise have the potential to harm a child or young person.

The Children, Youth and Families Act 2005 (Vic) mandates for certain categories of professionals to report if there are reasonable grounds to suspect abuse, including staff registered as a teacher under the Education Training and Reform Act 2006, doctors and police.

### Reports must remain confidential

Confidentiality is of the utmost importance to a fair and effective reporting process.

Staff must not:

- discuss any concerns or allegations with unauthorised personnel – within or outside our organisation. This requirement is not designed to limit, in any way, the rights and responsibilities of

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staff to report their concerns or allegations, but rather as part of our organisation's commitment to ensuring privacy, confidentiality and natural justice.

- make deliberately false, misleading or vexatious allegations.

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

- Manningham YMCA and YMCA staff who are involved in the reporting (including staff providing a direct service to the individual involved),
- Australian Childhood Foundation staff who are providing consultation on the case
- Manningham YMCA legal representatives

Manningham YMCA will co-operate with Department of Human Services and police and other agencies as required by law. We will comply with any reasonable request in a timely manner.

Documentation regarding reports will be stored securely.

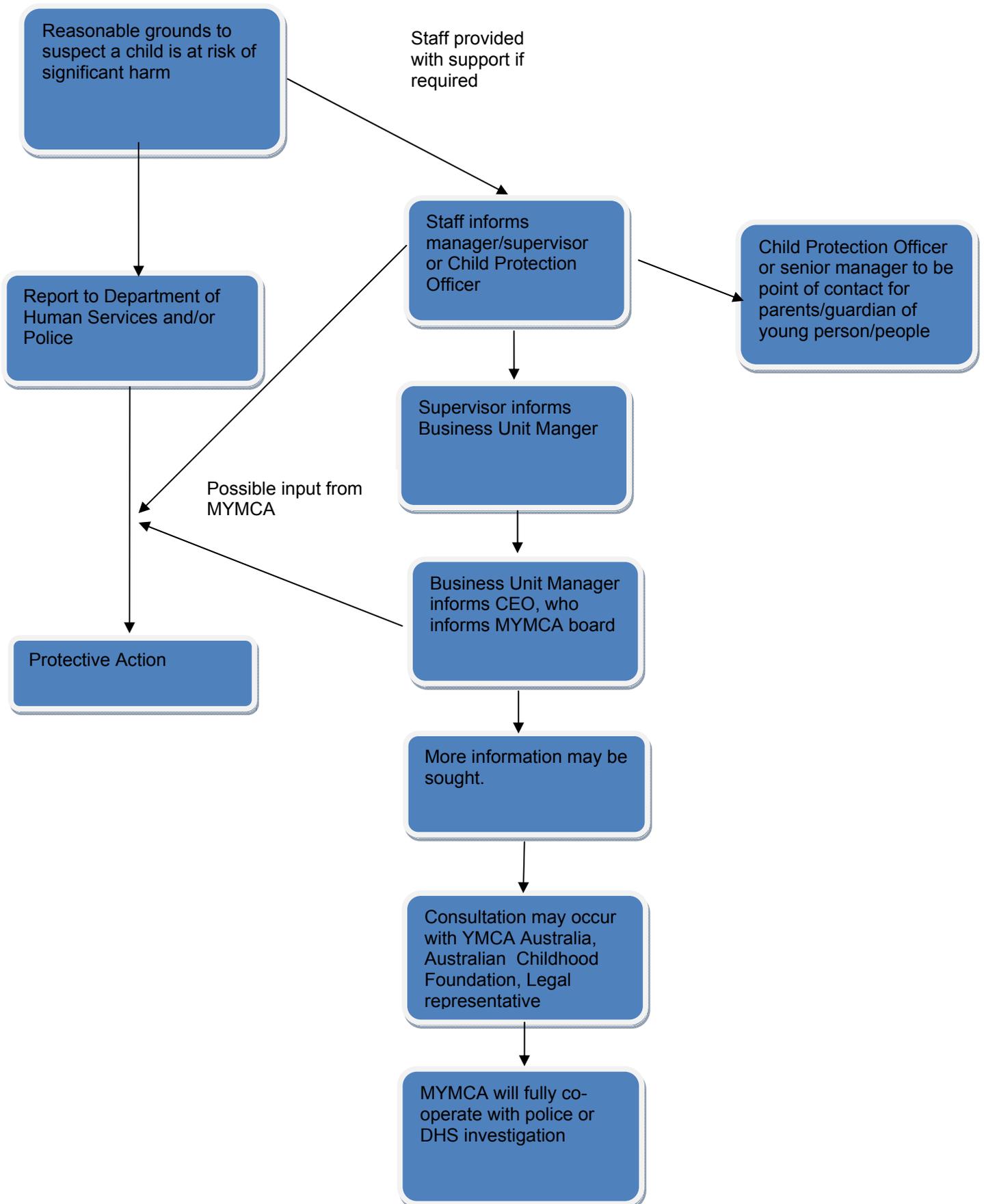
### Consequences of breaching this policy

Failure to abide by this policy will be regarded as a serious matter.

If our staff fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person – by staff within our organisation or by others – they may be subject to disciplinary action or dismissal as per the YMCA Staff Certified Agreement 2015.

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Figure 1: Reporting Process



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## Contact Information

### Department of Human Services

Eastern Metropolitan: 1300 762 125

Children's Services Eastern Region: 9265 2400

Child Protection Eastern Region: 1300 360 391

After Hours Child Protection Emergency: 131 278

### Victoria Police Sexual Offences and Child Abuse Unit: 9247 6666

All of our staff 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.

## Victorian Legislation

Manningham YMCA staff and volunteers are required by this policy to report suspected child abuse to both MYMCA and to the police or appropriate government authority. A summary of key Victorian legislation around reporting and responding to abuse allegations is provided below:

### Mandatory Reporting Legislation

The Children, Youth and Families Act 2005 (Vic) mandates for certain categories of professionals including doctors, nurses, police and those registered as teachers under the Education Training and Reform Act 2006 to report that a child needs protection if there are reasonable grounds to suspect abuse. In addition, any person who believes on reasonable grounds that a child needs protection can make a report to the Victorian Child Protection Service.

### Failure To Disclose Sexual Abuse Offence

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence under the Failure to Disclose Act 2014 (Vic).

### Failure To Protect Offence

The Failure To Protect offence (Children, Youth And Families Amendment Act 2014 (Vic)) applies to any person within an organization who knew of a risk of child sexual abuse by someone in the organization and had the authority to reduce or remove the risk, but negligently failed to do so.

### Grooming Offence

The Grooming Offence (Crimes Amendment (Grooming) Act 2014) applies to individuals who communicate with a child under 16 or their parents with the intent of committing child sexual abuse.

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## Definitions

### Child

In Victoria, under the Children Youth and Families Act 2005 a child or young person is a person under eighteen years of age.

### Child abuse

Child abuse is an act by parents, caregiver, other adult or peer who by virtue of their age, power, responsibility or authority endangers a child or young person's physical or emotional health or development.

Child abuse can be a single incident, but more commonly involves a relationship that takes place over time.

### 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 behaviour.

#### Non-contact behaviour 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 behaviour includes:

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

Sexual abuse is not usually identified through physical indicators. Often the first sign is when a child tells someone they trust that they have been sexually abused. However the presence of sexually transmitted diseases, pregnancy, or vaginal or anal bleeding or discharge may indicate sexual abuse.

One or more of these behavioural indicators may be present:

- Child telling someone that sexual abuse has occurred
- Complaining of headaches or stomach pains
- Experiencing problems with schoolwork
- Displaying sexual behaviour or knowledge which is unusual for the child's age
- Showing behaviour such as frequent rocking, sucking and biting
- Experiencing difficulties in sleeping
- Having difficulties in relating to adults and peers

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## 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.

### Physical indicators include:

- Bruises, burns, sprains, dislocations, bites, cuts
- Fractured bones, especially in an infant where a fracture is unlikely to occur accidentally
- Poisoning
- Internal injuries

### Possible behavioural indicators include:

- Showing wariness or distrust of adults
- Wearing long sleeved clothes on hot days (to hide bruising or other injury)
- Demonstrating fear of parents and of going home
- Becoming fearful when other children cry or shout
- Being excessively friendly to strangers
- Being very passive and compliant

## 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 an extent that results in significant damage to the child's physical, intellectual or emotional wellbeing and development.

There are few physical indicators, although emotional abuse may cause delays in emotional, mental, or even physical development.

### Possible behavioural indicators include:

- Displaying low self esteem
- Tending to be withdrawn, passive, tearful
- Displaying aggressive or demanding behaviour
- Being highly anxious
- Showing delayed speech
- Acting like a much younger child, eg. soiling, wetting pants
- Displaying difficulties in relating to adults and peers

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## 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.

### Physical indicators include:

- Frequent hunger
- Malnutrition
- Poor hygiene
- Inappropriate clothing, eg. Summer clothes in winter
- Left unsupervised for long periods
- Medical needs not attended to
- Abandoned by parents

### Possible behavioral indicators include:

- stealing food
- staying at school outside school hours
- often being tired, falling asleep in class
- abusing alcohol or drugs
- displaying aggressive behaviour
- not getting on well with peers

### Date policy implemented:

This policy was implemented on 31/1/2013

### Policy Last reviewed: 23/2/2017

### Review Date of Policy:

This policy is due to be reviewed by 28/2/2018

### Amendment history

Version	Date	Author	Change Description
11	26.11.2013	Fiona Miller	Text unchanged but order of paragraphs changed. Addition of heading: Receiving reports/Raising concerns (All responsibilities now listed before flowchart), Reference to Children's Foundation changed

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			to Childhood Foundation
13	6.2.2017	Fiona	Reference to Staff Certified Agreement 2008 changed to 2015 Added summary of Victorian Legislation