

## Responding to child abuse reports and allegations

Reference	Date approved	Date Last amended	Date of next review	Status
CGE	10 Oct 2016	1 Oct 2016	10 Oct 2017	Endorsed by: Secretary CGE  Approved by: Board of Management of CGE

### 1. Purpose

Chabad House Glen Eira is committed to protecting the children and young people to whom it delivers a service. 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 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.

We take seriously our responsibility to deliver a development and learning environment that is caring, nurturing and safe. Our board of management 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 is our safeguarding children policy.

### Related Policies

Safeguarding Children and Young People Statement, Practice and Behaviour Guidelines, Child protection Act

### 2. Related Legislation

Our guidelines comply with relevant legislation.

Legal requirements for the reporting of child abuse and neglect, reportable conduct

#### *Victoria/local Legislation*

The Department of Human Services is responsible for overseeing and upholding child protection in Victoria. Numerous Acts (laws) help to govern and guide the process of child protection in Victoria. These acts include:

Principal Acts:

Children, Youth and Families Act 2005 (as amended 2014)

*Other relevant Acts:*

Failure to Disclose 2014

The Charter of Human Rights and Responsibilities Act 2006

Working with Children Act 2005

Child Wellbeing and Safety Act 2005

Family Law Act 1975

**3. Scope**

All personnel within our organisation are required to meet the requirements of our policy on responding to child abuse reports and allegations.

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

**4. Definitions**

<b>Bullying</b>	<p>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. Bullying has been described by researchers as taking many forms which are often interrelated and include:</p> <ul style="list-style-type: none"> <li>• <i>Verbal</i> (name calling, put downs, threats);</li> <li>• <i>Physical</i> (hitting, punching, kicking, scratching, tripping, spitting);</li> <li>• <i>Social</i> (ignoring, excluding, ostracising, alienating); and/or</li> <li>• <i>Psychological</i> (spreading rumours, stalking, dirty looks, hiding or damaging possessions).</li> </ul>
<b>Child or young person</b>	A person under the age of eighteen years.
<b>Emotional or psychological abuse</b>	Emotional or psychological abuse occurs when a child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a child. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviors continue to an extent that results in significant damage to the child’s physical, intellectual or emotional wellbeing and development.
<b>Family Violence</b>	Family violence occurs when children are forced to live with violence between adults in their home. It is harmful to children. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between

	<p>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.</p>
<b>Grooming</b>	<p>Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a child with a view to abusing them at some stage. There is no set pattern in relation to the grooming of children. For some perpetrators, there will be a lengthy period of time before the abuse begins. The child may be given special attention and, what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a child in and abuse them relatively quickly. Some abusers do not groom children but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by other technological channels.</p>
<b>Harm</b>	<p>Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> <li>• physical, psychological or emotional abuse or neglect;</li> <li>• sexual abuse or exploitation;</li> <li>• a single act, omission or circumstance; and</li> <li>• a series or combination of acts, omissions or circumstances.</li> </ul>
<b>Neglect</b>	<p>Neglect is the persistent failure or deliberate denial to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.</p>
<b>Physical abuse</b>	<p>Physical abuse occurs when a person 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 behavior includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful over training, and kicking. It also includes giving children harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also</p>

	be considered physical abuse if they place a child at risk of being hurt.
<b>Sexual abuse</b>	Sexual abuse occurs when an adult or a person of authority (e.g. older) involves a child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse.
<b>Sexual exploitation</b>	Sexual exploitation occurs when children are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet. Exploitation can also involve children who are forced into prostitution.

## 5. Responsibilities

Position	Responsibility
Executive Officer / Manager	<ul style="list-style-type: none"> <li>• Implement policies and procedures across the organisation</li> <li>• Ensure personnel have access to and understand this policy and related procedures</li> <li>• Ensure all managers/supervisors have access to support and advice to understand and implement policies and procedures</li> </ul>
Workforce / HR / Quality	<ul style="list-style-type: none"> <li>• Review and update this document and supporting resources in consultation with relevant stakeholders</li> <li>• Support the coordination of the SCYP framework and implementation</li> <li>• Provide training and advice in the application of policies and procedures</li> </ul>
Managers / Supervisors	<ul style="list-style-type: none"> <li>• Ensure policies and procedures are followed and implemented</li> </ul>
Employees / Volunteers	<ul style="list-style-type: none"> <li>• Compliance with policy and procedure.</li> </ul>

## 6. Key Requirements

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.

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 the **DHS-Department of Human Services – Child Protection Authority on 1300 655 795 (AH 13 12 78)** or to **Victoria Police at Caulfield Office – 9524 9500**

### **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.

Our policy 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
- making deliberately false, misleading or vexatious allegations.

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.

### **Reporting of concerns or allegations regarding abuse or neglect by family or other external sources**

As a policy, Chabad House Glen Eira requires all of its personnel 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 either:

- **DHS-Department of Human Services – Child Protection Authority on 1300 655 795 (AH 13 12 78)** or to **Victoria Police at Caulfield Office – 9524 9500** immediately (i.e. before the end of the person’s shift / session of work).[refer to processes for reporting child abuse in the jurisdiction in which your organisation operates.]
- Creche coordinator, Shul Director/secretary, Youth Director, will ensure that the incident is reported to **DHS-Department of Human Services – Child Protection Authority on 1300 655 795 (AH 13 12 78)** or to **Victoria Police at Caulfield Office – 9524 9500** , immediately (i.e. before the end of the person’s shift / session of work)
  - If Creche coordinator, Shul Director/secretary, Youth Director are unavailable (or they are the subject of the complaint), our personnel are required to report the matter to Secretary/Office Manager.

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

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(please refer to <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>)

Mandatory reporting legislation and summary	Relevant personnel who must comply
<p><b>Mandatory Reporting of child abuse</b> <i>Children, Youth &amp; Families Act 2005</i></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 can make a report to the Victorian Child Protection Service.</p>
<p><b>Failure to disclose child sexual abuse offence</b> <i>Crimes Act 1958</i></p>	<p>The failure to disclose child sexual abuse offence 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><b>Failure to protect offence</b> <i>Crimes Act 1958</i></p>	<p>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>

We ask that our personnel also inform our secretary of any report they make to those authorities, to enable our organisation to best provide support to the child or young person, their family and our personnel, where appropriate.

All our personnel retain the right to report directly to relevant authorities, such as police or child protection, any concerns they may have in relation to the safety and welfare of a child or young person, regardless of whether or not they have also reported that matter internally.

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.

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 'Child abuse Incident Form'
- record on the Child abuse Incident 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.
- Report the matter as per organisational policy requirements (as stated earlier), which are to:
  - **DHS-Department of Human Services – Child Protection Authority on 1300 655 795 (AH 13 12 78)** or to **Victoria Police at Caulfield Office – 9524 9500** immediately (i.e. before the end of the person's shift / session of work).[refer to processes for reporting child abuse in the jurisdiction in which your organisation operates.]
  - Creche coordinator, Shul Director/secretary, Youth Director will ensure that the incident is reported to **DHS-Department of Human Services – Child Protection Authority on 1300 655 795 (AH 13 12 78)** or to **Victoria Police at Caulfield Office – 9524 9500** immediately (i.e. before the end of the person's shift / session of work)..
    - If Creche coordinator, Shul Director/secretary, Youth Director are unavailable (or they are the subject of the complaint), our personnel are required to report the matter to Secretary/ Office Manager.

**Additional requirements where concerns or allegations of abuse or neglect involve our employees or volunteers**

All personnel must report, immediately, to Creche coordinator, Shul Director/secretary, or Youth Director any breach of the Practice and Behaviour Guidelines / Code of Conduct arising from an action by an employee or volunteer within our organisation.

In response to any instance of 'serious' breaches which relate to 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 Creche coordinator, Shul Director/secretary, or Youth Director will investigate and deal with allegations of inappropriate and unacceptable behavior towards a child in line with our organisation's, Chabad Glen Eira, general procedures for complaint resolution and disciplinary measures and in consultation with Police and other authorities.

If a 'serious' allegation has been made against a staff member of Chabad Glen Eira, our Creche coordinator, Shul Director/secretary, Youth Director will:

- fill in a 'Child abuse Incident Form' form to ensure all relevant details are documented
- cooperate with the Police and other authorities and assist in their investigation of the allegation
- 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
    - assist in addressing the support needs of those impacted by the allegation including:
      - the child and their family
      - the person against whom the complaint is made by, for example, offering professional counselling
      - other personnel impacted by the allegations
        - 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 our Creche coordinator, Shul Director/secretary, Youth Director and only in direct relation to investigation of the allegation.

All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or young person arising from an action by an employee or volunteer within our organisation will be

investigated and will be the subject of a critical incident review. This will also be reported to the Australian Childhood Foundation within 28 days, in accordance with the requirements of the Safeguarding Children Program. This report will be made by our Creche coordinator, Shul Director/secretary, Youth Director

### **Confidentiality and privacy**

Chabad Glen Eira 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 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 Creche coordinator, Shul Director/secretary, Youth Director 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.

## **7. Communication**

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

## **8. 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.

### 9. Supporting Resources

Insert here relevant documents / resources
E.g. Child Abuse Incident Form
E.g. Reporting Flowchart
E.g. Report to Australian Childhood Foundation

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