



# SAFEGUARDING CHILDREN & YOUNG PEOPLE – CHILD PROTECTION REPORTING PROCEDURE

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YMCA WA is officially accredited as a Child Safe Organisation

## DOCUMENT CONTROL

Version	Description of Revision	Date Effective	Owner
v1.0	First Release		EM P&C
v2.0	Review	20/04/2017	EM P&C
v3.0	Review with minor changes including the requirement to report instances of when a child or young person may have been mistreated and when there are emerging concerns.	25/06/2018	EM P&C
v4.0	Review with minor changes including: <ul style="list-style-type: none"> <li>The child or YP's voice will be respected and listened to</li> <li>New reference to National Framework for Protecting Australia's Children 2009-2020 and</li> <li>Addition of definition of YMCA People</li> <li>All complaints and concerns including breaches will be recorded and analysed</li> <li>Rewording for clarification purposes.</li> </ul>	17/09/2019	EM P&C
v5.0	Review: <ul style="list-style-type: none"> <li>6.2 Step 2 – inclusion of requirement to complete a Child and Young Person Abuse Incident Report Form.</li> <li>Renamed Safeguarding Children &amp; Young People – Child Protection Reporting Procedure.</li> </ul>	29/01/2020	EM P&C
V5.1	Inclusion of delivering services online to point 6.1.1, Step 1.	20/04/2020	EM P&C

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## 1.0 PURPOSE

YMCA WA People are in daily and regular contact with children and young people and their families, so may be well placed to observe when a child or young person appears to be at risk of harm.

It is the responsibility of all YMCA WA People, under our duty of care in respect to Safeguarding Children and Young People, to report to the relevant or appropriate authorities any concerns or incidents in relation to identified or suspected abuse or neglect towards children or young people to whom we provide a service to in accordance with this procedure.

YMCA WA People must respect and listen to the voice of children and young people and ensure their views, opinions and concerns are dealt with in accordance with YMCA WA's reporting culture and principles.

## 2.0 SCOPE

This procedure applies to all YMCA WA People.

## 3.0 ROLES AND RESPONSIBILITIES

Role Title	Responsibilities
Executive Managers	<ul style="list-style-type: none"> <li>• Implement policies and procedures across the organisation</li> <li>• Ensure personnel have access to and understand relevant policy and related procedures</li> <li>• Ensure all managers/supervisors have access to support and advice to understand and implement policies and procedures</li> <li>• Ensure staff use relevant procedures within their day to day work</li> </ul>
Child Protection Officer / and Deputy	<ul style="list-style-type: none"> <li>• Review and update Safeguarding documents and supporting resources in consultation with relevant stakeholders</li> <li>• Support the coordination of the Safeguarding framework and implementation</li> <li>• Ensure training and advice in the application of policies and procedures is available to be utilised.</li> </ul>
Managers / Supervisors	<ul style="list-style-type: none"> <li>• Ensure policies and procedures are followed and implemented.</li> </ul>
All YMCA WA People	<ul style="list-style-type: none"> <li>• Compliance with policy and procedure.</li> </ul>

## 4.0 RELATED LEGISLATION AND STANDARDS

Legislation/Standard
Australian Human Rights Commission – National Framework for Protecting Australia’s Children 2009-2020 – National Principles for Child Safe Organisations

## 5.0 SUPPORTING PROCEDURES, POLICIES AND OTHER DOCUMENTS

Refer to the YConnect page for the current link to related documents listed below.

Document ID	Document Title
PC-003-GL	SCYP Practice & Behaviours Guidelines
	Safeguarding Children and Young People Policy – YMCA Australia
HRF047	Child and Young Person Abuse Incident Report Form

## 6.0 STEPS

YMCA WA People are required to report to the person in charge or a senior staff member any instance or suspected instance of abuse or neglect (cases in which a child or young person has suffered, or is likely to suffer, 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 the YMCA WA.

It is important to note that should the child or young person be at risk of imminent harm YMCA WA People must contact the relevant authorities directly.

The definitions of abuse and neglect can be found in the Safeguarding Children and Young People Policy.

### 6.1 REPORTING PROCEDURES FOR ALLEGED ABUSE OF A CHILD OR YOUNG PERSON AT HOME OR OTHER PLACE

YMCA WA People are required to work with their direct supervisor or manager during the consultation process to bring together all necessary information to determine if on reasonable grounds a formal report in relation to abuse or suspected abuse should be made.

YMCA WA People will be given time to make the report to the Department of Communities - Child Protection and Family Support (the Department). All documentation used during this reporting process will be filed and stored in a confidential manner at the program or service facility. This documentation is not to be given to any other party unless specified by the Children and Community Services Act 2004.

## **6.1.1 PROCESS IN ACCORDANCE WITH CHILDREN & COMMUNITY SERVICES ACT 2004**

### **STEP 1- Consult**

If YMCA WA People working at a service or program or delivering services online are concerned that a child or young person may have been, has been, or is being, maltreated they should advise the person in charge or a senior staff member immediately, who will notify the manager.

### **STEP 2- Record**

A written record of observations and any statements made by the child or young person should be kept. Record details such as-

- names in full of the people involved e.g. person who raised the concern
- the people you have reported the concern to
- names of the children or young person concerned, dates and times, factual and objective information about what was seen, what has been said, and what has happened.

These observations should then be recorded on the YMCA WA's Child and Young Person Abuse Incident Report Form and must be treated as highly confidential

General discussions about the matter should not occur. This information could be required at a later stage should legal action arise.

### **STEP 3 - Report**

The senior person of the YMCA WA Centre, Facility or Program should discuss concerns or emerging concerns with the YMCA WA Child Protection Officer or Deputy Child Protection Officer who will advise and assist to coordinate the matter being reported and submitted to the Department.

The Department will decide what response would be in the best interest of the parties involved. The Child and Young Person Incident Report Form should be lodged with the YMCA WA Child Protection Officer.

## **IMPORTANT NOTES:**

### **Your role**

YMCA WA People must document concerns that have been observed or disclosed. Concerns or appropriate actions must not be discussed with the parents/guardians until the matter has been discussed with the Department. In some cases, the Department may direct you to discuss the concerns with the parents. In other cases, it may be decided that to inform the parents at an early stage may put children or young people at risk. It is the responsibility of the Department, the Police and any other regulatory authorities to conduct any formal investigation that may be required.

### **Interviewing the Child or Young Person**

The Department staff have authority under the Child Welfare Act 1947 to interview or examine a child or young person at any YMCA WA facility or take the child somewhere else to conduct an interview. The decision about where and when to hold the interview is made while considering the best interests of the child or young person. If either of these situations occur, it is the role of the Department to inform parents of the action. It

is imperative that the identification of anyone claiming to be from the Department is established before allowing any child or young person to be interviewed.

The Department has a policy of not revealing the identity of the person notifying suspected cases of maltreatment. However, in some cases, due to the nature of the information, it is not possible to prevent the family or alleged offender from guessing the source of the notification.

The Department may refer the matter to the Police at their discretion.

### **Disclosing information to families**

The information disclosure process will begin as soon as reasonably possible and will be in accordance with any guidance given by the Police and the Department. The process will be adapted to accommodate the parties' needs and the requirements of any external review or investigation process. Where Police and/or the Department are involved, they will be provided with information about the incident to assist them in their investigations. The decision to disclose information will consider:

- whether the ongoing safety of those involved in or impacted by the incident is compromised by the disclosure or non-disclosure of information
- the advice of Police and Department
- the rights of those impacted by the incident to privacy, confidentiality and a presumption of innocence in accordance with organisational policies
- the need of those potentially impacted by the incident

#### Protection from Liability

The Child Welfare Act 1947 section 146C (3) provides protection to “persons who on reasonable grounds and in good faith for the purposes of facilitating the enforcement of this Act makes a report with respect the circumstances of a child”.

This section of the Act protects a person who makes a report to the Department, with the best interests of the child in mind, from legal action being taken against them. This is referred to as “qualified privilege”.

The protection of qualified privilege will not cover general discussions for example conversations with other parents or other persons in the general community.

## **6.2 REPORTING PROCEDURES FOR ABUSE / ALLEGED ABUSE OF A CHILD OR YOUNG PERSON BY YMCA WA PEOPLE**

In the event an allegation of abuse is made against YMCA WA People, potentially this may constitute a serious breach of YMCA WA's Safeguarding Children and Young People Policy and process, Code of Conduct and possibly the law.

Breaches of Safeguarding Children and Young People policy if substantiated include, but are not limited to, YMCA WA people who:

- sexually assault or harass children or young people who are involved in one of our programs
- physically assault children or young people who are involved in one of our programs
- verbally abuse, denigrate or bully children or young people who are involved in one of our programs

- take, reproduce, publish and/or distribute photos or images of children or young people for any purpose without the consent of their guardians
- Use tactics or behavior which could be reasonably interpreted as 'grooming' or otherwise interfering with the physical or mental wellbeing of a child or young person

In accordance with YMCA WA's Code of Conduct YMCA WA People must immediately report any incident or suspected incident of abuse by any other YMCA WA People as per the procedure outlined below.

### STEP 1

- In the event that an allegation or suspicion is held against any YMCA WA People it must be reported to the Manager or Supervisor whose responsibility it is to inform the Child Protection Officer (CPO) of the YMCA WA.
- In the event that the allegation or suspicion is against the Manager of the program the matter should be reported directly to the Child Protection Officer (Executive Manager of People and Culture) or the Executive Manager Service Delivery.
- In the event that the allegation or suspicion is against the Child Protection Officer (Executive Manager of People and Culture) the matter should be reported to the Chief Executive Officer
- In the event the allegation or suspicion is against the Chief Executive Officer the matter should be reported to a member of the YMCA WA Board
- In the event the allegation or suspicion is against a Director from the YMCA Board of Directors the matter will be reported to YMCA Australia National Office





## STEP 2

A Child and Young Person Abuse Incident Report Form **must** be completed and written record of observations and any statements made by the child or young person should be kept. Record details such as: -

- names in full of the people involved e.g. person who raised the concern
- the people you have reported the concern to,
- names of the children or young person concerned, dates and times, factual and objective information about what was seen, what has been said, and what has happened.

These observations should then be recorded on the YMCA WA's Child and Young Person Abuse Incident Report Form and must be treated as highly confidential

General discussions about the matter should not occur. This information could be required at a later stage should legal action arise.

It is important to remember –

- you are not required to assess the validity of any 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.)
- you must not allow 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 to impede your actions in reporting.



## STEP 3

The most senior YMCA WA party, i.e. the Child Protection Officer / Deputy Child Protection Officer will assess the evidence obtained and arrange for the conduct of a formal investigation where required, including relevant interviews to collect signed statements from those involved.



## STEP 4

The Child Protection Officer shall report the incident in writing to the Chief Executive Officer



## STEP 5

The Chief Executive Officer will then notify the Board in writing



## STEP 6

In the event that allegations are made against YMCA WA People the Child Protection Officer (Executive Manager of People and Culture) or their delegate may be required to immediately suspend that person (in accordance with the Fair Work Act) from all activities involving the direct supervision of, and/ or direct contact with, children and young people.

The Department of Communities - Child Protection and Family Support (the Department) shall be contacted within 24 hours of the alleged incident by the Child Protection Officer.

In licensed programs such as Out of School Hours Care, Early Learning Centre's and Family Day Care the Department of Local Government and Communities' Education and Care Regulatory Unit must also be notified within one working day.

Written reports are also to be provided to these agencies following on from the initial contact being made.

All YMCA WA People shall be fully supported and be encouraged to access the Employee Assistance Program providers for professional support and debriefing

Reinstatement to regular duties may only occur after any and all allegations against that person have been dismissed or cleared to the satisfaction of the CEO of the YMCA WA and any external agencies such as the police, the Department or the Education and Care Regulatory Unit.

### **Support Needs of Those Involved**

YMCA WA People will 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

## **7.0 DOCUMENTATION**

Our Child Protection Officer is responsible for maintaining a registry to record any reported incidents and any other documentation relating to the allegations and subsequent action.

All documentation associated with an allegation of abuse or neglect of a child or young person must be stored securely and confidentially by having:

- hard-copy documentation stored in a locked filing cabinet (or similar)
- electronic documentation stored in a password-protected folder (or similar).

In accordance with the National Child Safe Organisation Principles and Australian Childhood Foundation requirements, all information about all complaints and concerns including breaches is recorded and analysed by the Child Protection Officer so systematic issues are identified and mitigated.

## 8.0 CONSEQUENCES OF BREACHING POLICY

If YMCA WA People fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person within the prescribed timeframes, using the prescribed methods– this will be viewed as a failure of Duty of Care and as such a serious matter. Depending on circumstances, this may result in disciplinary action and or grounds for termination of employment.

Our policy prohibits all YMCA WA People from:

- discussing any matter concerning an allegation with unauthorised personnel – inside or outside our organisation – such prohibition not being designed to limit, in any way, their rights to legal representation 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.

YMCA WA People are obliged to raise any concerns they might have in relation to:

- YMCA WA policy documents in relation to safeguarding children and young people – including our 'Practice and Behavior Guidelines' and this procedure
- actions of others within the organisation that contravene policies, or that
- may otherwise have the potential to harm a child or young person.

## 9.0 FEEDBACK

Feedback on this procedure must be directed to the Document Owner outlined in the cover of this procedure.

**The Document Owner is responsible for maintaining the currency of this document.**

## 10.0 DEFINITION OF TERMS

Term	Definition
<b>YMCA People</b>	Staff, volunteers, Family Daycare and In-home Care educators contractors, Board Directors and student placements.
<b>YMCA WA Child Protection Officer or Deputy Child Protection Officer</b>	The Child Protection Officer is the Executive Manager People & Culture and the Deputy is the General Manager – Children's Services.