



1. Document control

Overview	YMCA NSW is committed to safeguarding children and young people from mistreatment and abuse. This procedure aims to provide practical guidance for the implementation of the Reporting Child Protection Concerns Policy in YMCA operations to ensure that all children and young people within our services and programs are protected from any form of abuse and harm.
Scope	All YMCA NSW staff including paid employees, volunteers, Board Directors, student placements, any consultants or contractors engaged by YMCA NSW and clients of YMCA NSW.
Procedure owner	Chief Risk Officer
Parent Policy	Reporting Child Protection Concerns Policy
Date of approval	22 August 2016
Date of implementation	22 August 2016
Review date	22 August 2017

2. Policy statement

YMCA NSW, including its Board of Directors, commits to creating and maintaining an environment that ensures all people involved in YMCA NSW activities, programs or services act in the best interests of children, young people and vulnerable adults, and take all reasonable steps to ensure their safety, welfare and wellbeing.

All staff within YMCA NSW are expected to safeguard children and young people by:

- Adhering to the YMCA NSW Reporting Child Protection Concerns Policy
- Adhering to the YMCA NSW Standards of Conduct and Safe Behaviours Policy
- Adopting appropriate practices and behaviour when carrying out their duties
- Reporting any form of child abuse, suspicious behaviour, issues or concerns
- Participating and completing all required YMCA NSW Safeguarding Children and Young People training and education programs
- Acting in accordance with all YMCA NSW policies and procedures.

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3. Definitions

Term	Definition
Child or Young Person	Refers to a person under the age of eighteen years
Staff	Any person YMCA NSW employs, or engages – including paid employees, volunteers, Board Directors, contractors, consultants and student placements.
Employee	Paid employees of YMCA NSW.
Volunteer	Unpaid volunteers, student placements and board directors.
Client	Any user of YMCA NSW services – children’s services, recreation services, camping services and community programs including children, young people, vulnerable adults, parents/guardians and facility users.
NSW Ombudsman	<p>The NSW Ombudsman is an independent and impartial watchdog established by the Ombudsman Act 1974 (NSW). Under the Community Services (Complaints, Reviews and Monitoring) Act 1993 the Ombudsman has a broad inquiry to review and monitor the delivery of community services. Their general child protection oversight role includes reviewing the deaths of certain children; reviewing the circumstances of children in care; monitoring and reviewing the delivery of community services; and inquiring into matters affecting service providers and consumers.</p> <p>Part 3A of the Ombudsman Act 1974 (NSW) requires the Ombudsman to keep scrutiny of the systems that government and certain non-government agencies in NSW have for preventing reportable conduct and handling reportable allegations and convictions involving their staff.</p>
Office of the Children’s Guardian	The Office of the Children’s Guardian was established under the Children and Young Persons (Care and Protection) Act 1998 to promote the interests and rights of children and young people living in out-of-home care. They are an independent government agency that works to protect children by promoting and regulating quality, child safe organisations and services and by administering the Working With Children Check. The Office reports to the NSW Minister for Family and Community Services.
Reportable Conduct	<p>Section 25A of the Ombudsman Act 1974 defines ‘reportable conduct’ as:</p> <ul style="list-style-type: none"> • Any sexual offence or sexual misconduct committed against, with or in the presence of a child – including child pornography offence • Any assault, ill-treatment or neglect of a child • Any behaviour that causes psychological harm to a child – even if the child consented to the behaviour. <p>Reportable conduct does not extend to:</p> <ul style="list-style-type: none"> • conduct that is reasonable for the purposes of the

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	<p>discipline, management or care of children having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards</p> <ul style="list-style-type: none"> the use of physical force that, in all circumstances, is trivial or negligible but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or conduct of a class or kind that is exempt from being reportable conduct by the Ombudsman under section 25A of the Ombudsman Act 1974.
Reportable Allegation	An allegation of 'reportable conduct' against a person or an allegation of misconduct that may involve 'reportable conduct'
Reportable Conviction	A conviction (including a finding of guilt without the court proceeding to a conviction), in the State or elsewhere, of an offence involving reportable conduct
YMCA NSW Child Protection Unit (CPU)	Internal unit responsible for Safeguarding within YMCA NSW reporting directly to the YMCA NSW Chief Risk Officer.
YMCA NSW Critical Incident Team	Internal unit consisting of: Child Protection Manager (CPM) Chief Risk Officer (CRO) Human Resources General Manager (HRGM) Human Resources Business Partner (HRBP) Relevant General Manager (GM) CEO (if sufficiently serious)
Australian Children's Education and Care Quality Authority (ACECQA)	Independent national authority that guides the implementation of the National Quality Framework for Early Childhood Education and Care.
Ageing Disability and Home Care (ADHC)	ADHC is a division of Family and Community Services with the aim to provide better and more integrated services for vulnerable client groups in NSW.
NSW Family and Community Services (FACS)	FACS has legislative responsibility for facilitating coordination across government for the care and protection of children and young people believed to be at risk of harm

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4. Procedure details

4.1 Responding to concerns of abuse, neglect or significant harm

Respond to the child or young person appropriately.

If a child or young person discloses abuse it is vital to reassure, support and show care to the child or young person by:

- Listening carefully to what the child or young person is saying , do not ask leading questions
- Controlling expressions of panic or shock
- Reassure the child or young person that telling you was the right thing to do
- Acknowledging that it is hard to talk about such things
- Indicating to the child or young person what you will do – that is informing them of your intent to report the concerns.

If a child or young person discloses abuse or neglect immediately record the information, as far as possible, using the exact words of the child noting specific names, places, dates or actions mentioned.

In urgent circumstances where there is danger for a child or young person’s health or safety, contact the police immediately using the emergency number 000.

4.2 Responding to allegations regarding a YMCA NSW Staff member

When an allegation of child protection concerns involves a YMCA NSW staff member, the procedure as outlined in the *Mandatory Reporting Procedure* applies and the actions and steps are to be followed. It is the responsibility of the staff member who has become aware of a child protection concern to ensure the concern is reported to Family and Community Services (NSW) or Child and Youth Protection Services (ACT). When reporting the incident, the reporter will need to make the Child Protection Helpline (NSW) or Child and Youth Protection Services (ACT) aware that the report involves a staff member of YMCA NSW.

The manager and the YMCA NSW Child Protection Unit (CPU) need to be advised of the incident immediately so they can support you through the process and to ensure they are aware of the incident.

Do not question or interview the staff member that the allegation has been made against.

The YMCA NSW Child Protection Unit ensures support is provided to people making an allegation and persons who have been suspected. This support can be given in the form of counselling or referral to an appropriate counselling service.

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4.2.1 Privacy and confidentiality

It is imperative to maintain the privacy and confidentiality of any person involved in a child protection matter including the child, family and anyone involved in an investigation.

When responding to allegations against staff, YMCA NSW also have a responsibility to ensure staff are treated fairly and the rights of each individual are respected during an investigation and any applicable disciplinary process.

4.3 Assessing whether the matter is a reportable allegation to the NSW Ombudsman

The YMCA NSW Child Protection Unit will review the information and make a determination whether the incident meets the threshold for Reportable Conduct. The Child Protection Unit will assess whether the allegation constitutes an allegation of reportable conduct using the following criteria:

- Whether the alleged victim was a child at the time of the alleged conduct as described in the Ombudsman Act 1974 (NSW) (was under 18 years)
- Whether the subject of the allegation is a staff member of YMCA NSW for the purposes of these policies and procedures at the time the allegation became known to YMCA NSW
- Whether the alleged conduct constitutes reportable conduct as defined in the Ombudsman Act
- Advice from the Ombudsman when clarification is required.

If the information does meet the threshold of Reportable Conduct, the Child Protection Unit will provide the relevant manager with the *Allegations Involving Staff Initial Risk Assessment Report* to be completed and returned to the YMCA NSW Child Protection Unit within 24 hours. This assessment includes:

- Assessment of the risk to any children, young people, staff or to the YMCA NSW
- Assessment of the seriousness and nature of the allegation to determine the appropriate action required
- Assessment of support needs of all those involved.

If the allegation is not a reportable allegation, it is not notifiable to the NSW Ombudsman. In these cases the YMCA NSW Child Protection Unit will advise the relevant General Manager as well as the General Manager, Human Resources and will provide any other relevant information for consideration in an employment related investigation.

4.4 Critical Incident Team Meeting

The YMCA NSW Child Protection Unit will schedule a Critical Incident Team Meeting to complete the following:

- Review Incident - review all of the documentation including:
 - Incident Report From online reporting tool
 - History of any previous conduct allegations, findings and outcomes for the involved staff member and, if relevant, the child.
 - Personnel file of staff member including any training attended and performance management

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- Develop the *Allegations Involving Staff Initial Risk Assessment Report*.
- Develop Risk Management Plan including if it is appropriate for the staff member to remain on duty – this may mean stand down, change of duties, change of location or additional supervision whilst on duty
- Develop Stakeholder Management Plan
- Establish Reporting Obligations with Other Agencies (Police, FACS, Ombudsman Notification)
- Develop Communications Strategy – both Internal & External
- Develop and review Action Plan including roles and responsibilities and timeframes for Critical Incident Team activities
- Where required, request support for staff
- Where required, request support for alleged victim.

4.4 Notifying a staff member of an allegation

Staff members who are the subject of an allegation and may be impacted adversely will be advised about the allegation/s and notified of:

- The investigation process
- Their rights and obligations
- Their support options

The point at which a staff member is told about the allegation/s and given an opportunity to respond can be critical to the success of an investigation and can also impact the degree and duration of stress experienced by the staff member.

The timing of the written advice of the allegations will:

- Depend on the nature of the investigation and the related investigative actions in progress
- Be determined by the investigator, who will balance the relevant factors of the case

4.4.1 Rights of the staff member of whom the allegation has been made against

The staff member who has had an allegation made against them has the right to:

- Be informed of the allegation
- Be offered support through the investigation process
- Be provided with notice to attend an interview – minimum 24 hours notice
- Have a support person present for interviews
- Respond to any allegations in the interviews and/or in writing
- Be offered support to return to work if applicable.

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4.5 Notifying a child or young person's parent/guardian of an allegation

The YMCA NSW Critical Incident Team will determine, who will notify a child or young person's parents/guardians of an allegation. Notification will take place unless this will impact negatively on:

- The safety, welfare and wellbeing of the child or young person who is the subject of the alleged conduct, or other children involved with the staff member
- The preservation of evidence
- The integrity of an investigation including police or Joint Investigative Response Team (JIRT) investigations
- The management of identified risks to the staff member, investigation or any other related party for example, the person who made the allegation.

4.6 Investigating Allegations

YMCA NSW will investigate all allegations involving staff in accordance with the *Investigation Procedure* within the *Incident Reporting and Management Policy*.

4.7 Notifying External Agencies

4.7.1 NSW Ombudsman

When the investigation and all relevant documentation are complete, the YMCA NSW Child Protection Unit provides the NSW Ombudsman with a copy of all documentation relevant to an investigation as per the Ombudsman Act 1974 (NSW).

The Child Protection Unit is responsible for:

- Ensuring that all relevant matters are notified to the NSW Ombudsman as per the Ombudsman Act 1974 (NSW)
- That available information about child protection risk assessment is provided to the NSW Ombudsman at the time of notification
- That the notification occurs within the 30 day timeframe. Notification documentation is sensitive and highly confidential and must be handled accordingly.

4.7.2 Office of the Children's Guardian

If the investigation results in a finding that sexual misconduct or serious physical assault occurred involving a YMCA NSW staff member, the Child Protection Unit must report this finding to the Office of the Children's Guardian.

Under Schedule 1 of the *Child Protection (Working with Children) Act 2012*, the conduct that must be reported is:

1. sexual misconduct committed against, with or in the presence of a child, including grooming of a child
2. any serious physical assault of a child.

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4.7.3 Australian Childhood Foundation (ACF)

YMCA NSW Child Protection Unit will inform Australian Childhood Foundation of any reports or allegations of serious child abuse or neglect involving YMCA NSW staff using the *YMCA NSW Safeguarding Children and Young People: Serious Allegations Against Staff Report* within 28 days of becoming aware of an allegation.

4.7.4 Ageing Disability and Home Care (ADHC) (Disability Programs)

- For ADHC funded YMCA NSW Disability Programs, reports are to be made to the ADHC Professional Conduct Ethics and Performance Unit (PCEP)

5. Implications

- **YMCA NSW** - Failing to report an instance, allegation, disclosure or concern relating to abuse or neglect of a child, young person or vulnerable adult is viewed as serious misconduct and may lead to disciplinary action, up to and including formal warning, demotion or termination of employment or cessation of volunteer relationship.
- **NSW Ombudsman** - It is an offence to without lawful excuse, refuse or wilfully fail to comply with any lawful requirement of the Ombudsman.
- **Department of Education and Communities – Children’s Services** - Failing to report an instance, allegation, disclosure or concern relating to abuse or neglect of a child, young person is an offence under the Children (Education and Care Services National Law Application) Act 2010 Section 167 Offence relating to protection of children from harm and hazards

6. Records Maintenance

The Responding to Child Protection Allegations involving YMCA NSW Staff Procedure will be reviewed in line with the YMCA NSW Safeguarding Children, Young People and Vulnerable Adults Policy.

7. Interactions with related documents

Related policies	Link to the policy
YMCA NSW Statement of Commitment to Safeguarding	
YMCA Australia Safeguarding Children and Young People Policy	
YMCA NSW Safeguarding Children, Young People and Vulnerable Adults Policy	
Reporting Child Protection Concerns	

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Policy	
Whistle Blower Policy	
Safe Behaviours Policy	
YMCA NSW Standards of Conduct	
Incident Reporting and Management Policy	
Investigations Procedure	

Other related documentation	Link to documentation
Definitions and Risk Indicators of Abuse and Neglect	
YMCA NSW Safeguarding Children and Young People: Serious Allegations Against Staff Report	
YMCA NSW Incident Report	
Allegations involving Staff Initial Risk Assessment	

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