



Policy statement

YMCA NSW is committed to ensuring that staff that interact with children, young people and vulnerable adults in YMCA NSW programs or services, act in the best interests of the children, young people and vulnerable adults in their care and take all reasonable steps to ensure their safety, welfare and wellbeing. We are committed to providing an environment where all children, young people and vulnerable adults are protected from any form of abuse or mistreatment.

Staff must comply with the *Standards of Conduct* and are expected to promote and monitor the safeguarding of children, young people and vulnerable adults and participate in a culture where all staff are expected to speak up and ask questions about the safety and wellbeing of others. If you see something, say something.

All staff should demonstrate extended guardianship, and promptly and report:

- complaints from children, young people or their families
- allegations or disclosures of child abuse or neglect
- concerns about child safety
- any breaches of this policy

All staff are to conduct themselves in a manner consistent with their position description as a positive role model to children, young people and vulnerable adults and as a representative of YMCA NSW

Staff must not make any derogatory, culturally insensitive, violent or sexually suggestive comments to or in the presence of children, young people and vulnerable adults as per *Standards of Conduct* and *Discrimination, Harassment and Bullying Policy*.

1. Interactions

- Staff should maintain a positive attitude at all times in all interactions, ensuring their language and tone of voice are used in a way that has a positive impact on the wellbeing of the child, young person or vulnerable adult.
- Staff should develop responsive and trusting relationships with children, young people and vulnerable adults that promote a sense of security, confidence and inclusion, whilst maintaining a level of professionalism.
- Staff must be aware of YMCA NSW expectations regarding positive, respectful and appropriate behaviour, and acceptable responses and reactions when at work or working.

2. Behavioural norms

Verbal, emotional, psychological or physical abuse, physical punishment, or the withdrawal of the necessities of care (including food, shelter and emotional warmth) are unacceptable forms of behaviour at YMCA NSW. This also includes all types of discrimination, harassment and bullying. Staff must:

- Not engage in any sexual behaviour with or in the presence of children, young people and vulnerable adults participating in a YMCA NSW service. Any sexual behaviour with or in the presence of children, young people and vulnerable adults is prohibited.
- Be clearly identified when providing direct care to children, young people and vulnerable adults. Where required, a uniform or consistent standard of dress that is familiar must be worn. In the case of agency or temporary relief staff, they must be clearly identified and wherever possible, appropriate identification displayed for ease of identification for staff and clients.
- Not discipline children, young people or vulnerable adults by use of emotional abuse, favouritism, physical abuse, verbal abuse, reference to cultural/ethnic differences and abilities, swearing and any form of corporal punishment or other offensive/inappropriate action.
- Use strategies that are fair, respectful and appropriate to the developmental stage of the child, young person and vulnerable adult involved.



3. Physical and non-physical contact

Staff must:

- At all times demonstrate acceptable and appropriate behaviour/contact that gives regard to a child, young person or vulnerable adult's age and developmental needs, culture, ability, environment, and their emotional needs
- Seek consent of a child, young person or vulnerable adult before making physical contact and let them know what you are doing and why
- Not have unnecessary or inappropriate physical contact with children, young people or vulnerable adults (other than for the provision of a specific model of care) that:
 - Involves holding, kissing, cuddling and touching children, young people or vulnerable adults in an inappropriate and/or culturally or insensitive way. A child, young person or vulnerable adult sitting on a staff member's lap is considered inappropriate. Children should be comforted when upset and staff should attend to children's needs in a professional manner and where possible, give consideration for the child's age and developmental needs. Children should never be fully embraced in a cuddle or hug.
 - Would appear to a reasonable observer to have a sexual connotation
 - Is intended to cause pain or distress to the child, young person or vulnerable adult (e.g. corporal punishment)
 - Is overly physical (e.g. wrestling, tickling or other horseplay)
 - Are avoidable personal care tasks (e.g. assisting with toileting, first aid or medical assistance when the person does not require assistance)
 - Is initiated against the wishes of the child, young person or vulnerable adult, except if such contact may be necessary as a restraint to prevent injury to the child, young person or vulnerable adult or to others, in which case:
 - The level of restriction used must be aimed solely at restraining the child, young person or vulnerable adult to prevent harm to themselves or others
 - Physical restraint should be the last resort
 - The incident must be reported to management as soon as practicable, and before the end of the shift
 - A plan is to be developed following the incident (where applicable).
- Report to their manager/supervisor any physical or non-physical contact initiated by a child, young person or vulnerable adult that is sexual and/or inappropriate

4. Professional boundaries

Staff should ensure that their interactions with children, young people and vulnerable adults involved in YMCA NSW programs/services remain professional and occur within the scope of the program or service. Staff must not:

- Provide any form of support (including financial assistance) to a child, young person, vulnerable adult or their family that is related to YMCA NSW service delivery or outside of policy scope
- Make 'personal/private' contact with children, young people or vulnerable adults involved with the YMCA NSW. This includes communication or contact through social media accounts (e.g. 'friending', 'following', 'tagging'), mobile phone, texting or email communication.
- Have direct contact with a child or young person or vulnerable adult unless the specific program or model of care requires such direct contact. Written approval must occur from the parent/guardian and Executive Leader.
- Give gifts to children, young people or vulnerable adults participating at YMCA NSW unless approved as part of a specific program such as a Christmas/graduation gifts for the group of clients
- Initiate, seek or request private arrangements (i.e. outside work or voluntary roles such as babysitting, sports coaching, housesitting etc.) while employed by YMCA NSW.



5. Prior Relationships

Where a relationship is established either prior to commencement of employment by the staff member, or prior to a client's enrolment/commencement in a YMCA NSW program, staff must:

- Notify their manager of any/all private arrangements with children, young people or vulnerable adults who are participating in a YMCA NSW program or service, or regularly present at a YMCA NSW facility by completing the *Declaration of Personal Relationships Form*. The completed form is to be sent to the Chief Risk Officer for approval. The Chief Risk Officer will review the declaration form and return to the relevant manager with recommendations for action.
- Inform the client that any/all private arrangements provided are not endorsed by YMCA NSW and are in no way affiliated with YMCA NSW

6. Supervision practices

All staff should make every reasonable effort to provide general supervision to children, young people and vulnerable adults who attend a YMCA NSW facility without parent/guardian/responsible person accompaniment, and who are not engaged in formal programs (i.e. OSHC, swimming lessons and camps).

This includes:

- Not traveling alone with a single child or young person except in unforeseen circumstances*.
- Ensuring that they are not alone in a private space with a child, young person or vulnerable adult unless it is part of a specific service, program or model of care approved by the YMCA NSW Chief Risk Officer. Where a staff member is alone with a child, young person or vulnerable adult as part of a program or model of care, staff must ensure that the area has transparent visibility (i.e. clear windows, door ajar),
- Making every reasonable effort to ensure that children, young people or vulnerable adults are released from YMCA NSW programs/services only to an authorised parent/guardian or other approved persons
- Appropriate use of electronic communications/technology by children, young people and vulnerable adults whilst they are participating in YMCA NSW programs. This includes monitoring and browsing websites, social networking sites, instant messaging or game sites during which children could be exposed to inappropriate content or contact
- Ensuring staff work within and maintain program-prescribed ratio requirements when working with children and young people or vulnerable adults.

** Unforeseen Circumstances – Unforeseen would only apply in the event of an accident or where something unexpected has happened and there is no other alternative but to take a child alone in the vehicle and to fail to act would put the child at risk of harm. Where these situations are unavoidable, whenever possible the full consent of the manager and the child, young person's parent/guardian consent should be obtained. The incident is then required to be reported as an incident within 24 hours.*

7. Overnight stays

Standards of conduct that must be observed by staff during an overnight stay include:

- Staff must not be accommodated in the same room with children, young people or vulnerable adults before, during or after a YMCA NSW program or service unless it is the child of the staff member.
- Parents/guardians are informed of sleeping arrangements prior to the commencement of any overnight stay.
- Children, young people and vulnerable adults are provided privacy by staff when bathing and dressing.
- Appropriate dress standards are observed when children, young people and vulnerable adults are present – including no exposure to adult nudity.
- Staff must not expose children, young people or vulnerable adults to pornographic material, for example, through movies, television, internet or magazines
- Children, young people or vulnerable adults should not be left under the supervision or protection of unauthorised persons such as hotel staff or friends.
- Children, young people or vulnerable adults have the right to contact their parents/guardians, or others, if they feel unsafe, uncomfortable or distressed during the stay.



8. Bathroom / change room practices

Staffs have a duty of care to provide supervision to children, young people and vulnerable adults when they use bathroom/change room facilities, whilst balancing their right to privacy.

Staff should provide the level of supervision required for preventing abuse or misbehaviour by members of the public, adult service users, peer service users, while also respecting a child, young person or vulnerable adult's privacy.

However, staff should avoid one-to-one situations with a child, young person or vulnerable adult within a bathroom/change room area and:

- Are not permitted to use the bathroom/change room area to, for example, undress, while children, young people or vulnerable adults are present.
- Ensure adequate supervision in 'public' change rooms when they are used.
- Not enter the bathroom/change room area of the opposite sex while the opposite sex is present.

9. Photography

All photography on YMCA NSW premises will be conducted in line with the *Photography Policy*. This policy provides that:

- Staff must not use their personal phone or recording device for recording purposes in the workplace.
- Where a specific program requires photos or videos to be taken by staff, only YMCA NSW equipment will be used for taking and storing images or video and parent/guardian permission has been sought.
- Images taken by staff of children, young people or vulnerable adults will be taken in the presence of other staff.
- Staff must take reasonable steps to ensure that members of the public do not take photography/videography of children, young people or vulnerable adults at a YMCA NSW service without parent/guardian permission.
- Parents/guardians are permitted to take photography/videography of their own children, young people or vulnerable adults with prior approval from service staff and the completion of the *Photography Permission Form*.

10. Specific exclusions

A risk assessment is to be conducted to consider the elements of the various interactions staff have with children/young people/vulnerable adults. The risk assessment would consider the programs/services which have specific requirements necessary for the delivery of that program/service such as (but not limited to):

- Disability services programs which typically provide one-on-one services, including personal care requirements.
- The Community Visitors Scheme which typically provides a one-on-one service with vulnerable adults.
- Disability Services programs which may involve transporting clients alone in cars. This element will require manager's approval, and a written authority from the parent / guardian / authorised persons
- Child-specific programs (e.g. OSHC, crèche, holiday programs and camps) which may involve bathroom assistance to children and young people
- Child-specific programs (e.g. OSHC, crèche, holiday programs and camps) which require children are only released to parents, legal guardians and authorised persons, low patronage recreation sites which may only have one staff member on site at any given time.

The risk assessment and procedural guidelines are to be put in place at these sites with approval from the Chief Risk Officer. Any other exceptions to these procedures must comply with relevant regulations, contractual obligations, be accompanied by a risk assessment and safe work procedures, and be authorised by the Chief Risk Officer.



Roles and responsibilities

Role	Responsibility
Staff	<ul style="list-style-type: none"> Take all reasonable steps to protect and safeguard children, young people and vulnerable adults from any form of abuse Review, understand and adhere to <i>Safe Behaviours Policy</i> Immediately report any suspected abuse per <i>Responding to Safeguarding Concerns Procedure</i> Comply with all procedures relating to children, young people and vulnerable adult safety
Managers and supervisors	<ul style="list-style-type: none"> Ensure the <i>Safe Behaviours Policy</i>, and other obligations under this policy, are implemented in the workplace Ensure all staff have received relevant induction and training and that the workplace culture supports a transparent, continually improving environment in which all staff show extended guardianship to children, young people and vulnerable adults Role model behavioural standards outlined

Implications

Any breach of this policy is considered serious and may lead to disciplinary action, up to and including termination of employment or the cessation of the volunteer's engagement. YMCA NSW, or an authorised representative, will be obliged to report a suspected criminal offence to police.

Related policies and procedures

For more details on how this policy should be implemented, see the following policies and procedures:

- Safeguarding children and young people policy
- Standards of conduct
- Ratio procedure
- Social media procedure
- Photography policy
- Privacy and confidentiality policy
- Discrimination, harassment and bullying policy
- Whistleblower policy
- Abuse and neglect of vulnerable adults procedure

Related legislation

- Children and Young Persons (Care and Protection) Act 1998* (NSW)
- Children and Young People Act 2008* (ACT)
- Children (Education and Care Services National Law Application) Act 2010* (NSW)
- Disability Inclusion Act 2014* (NSW)
- Child Protection (Working with Children) Act 2012* (NSW)
- NSW Disability Services Standards* (NSW)
- Australian Human Rights Commission Act 1986* (Cth)
- Fair Work Act (Cth) 2009*

Other references

- Declaration of personal relationships form
- Photography permission form
- United Nations General Assembly, *Convention on the Rights of Persons with Disabilities*, 13 December 2006 (entered into force 3 May 2008)
- United Nations General Assembly, *Convention on the Rights of the Child*, 20 November 1989 (entered into force 2 September 1990)
- Education and Care Services National Regulations* (NSW)



Definitions

Term	Definition
Child or young person	YMCA NSW considers a child or young person to be a person under the age of eighteen years
Client	Any user of YMCA NSW services, programs or facilities including children, young people, vulnerable adults, adults, families, parents, carers, guardians, and support workers
Employee	Paid employees of YMCA NSW
Private arrangements	Private arrangements is outside work or voluntary roles such as babysitting, sports coaching, housesitting and transporting where staff would be alone with children, young people and vulnerable adults or where the personal and the professional boundaries may become blurred
Sexual behaviour	Sexual behaviour includes: <ul style="list-style-type: none"> ▪ Contact behaviour – sexual intercourse, kissing, fondling, sexual penetration or exploitation through prostitution ▪ Non-contact behaviour – flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography and nudity Sexual behaviour is strictly prohibited with or in the presence of children, young people and vulnerable adults engaged in YMCA NSW services
Staff	Any person YMCA NSW employs or engages. This includes paid employees, volunteers, directors, contractors, consultants, and student placements
Volunteer	Unpaid volunteers, unpaid directors and student placements
Vulnerable adult	An individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason

Document control

Policy owner	Kathy Gray, Child Protection Manager
Policy sponsor	Lisa Giacomelli, Chief Risk Officer
Policy date	30 May 2018
Policy approver	 Leisa Hart, Chief Executive Officer
Version number	5
Date due for review	30 May 2019