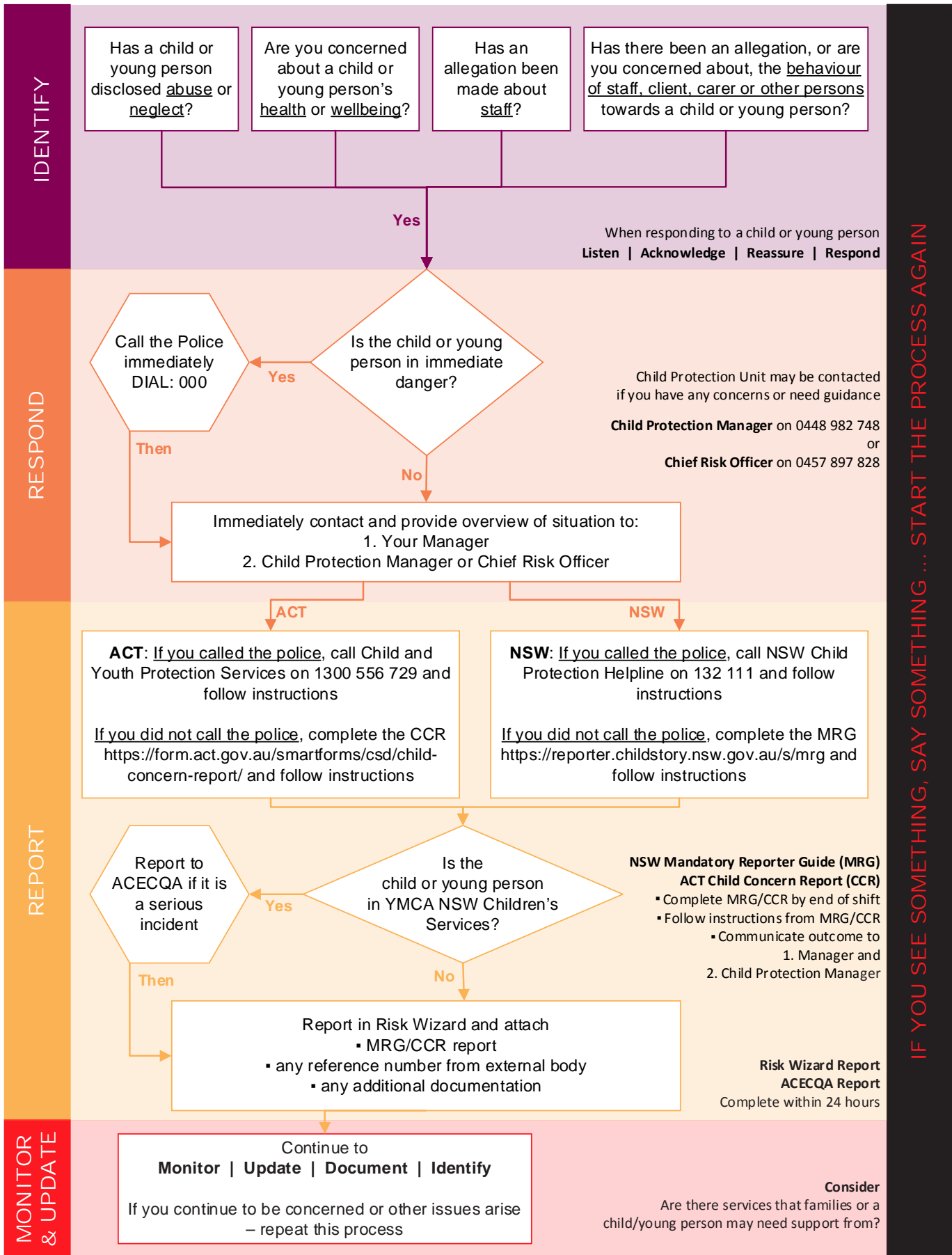


Responding to safeguarding concerns procedure



Responding to safeguarding concerns procedure



All staff of YMCA NSW are required to report any form of child abuse or neglect according to applicable laws. All staff are required to action any additional reporting requirements at the direction of the Child Protection Manager or Chief Risk Officer.

The legislation for mandatory/mandated reporters is contained within the following:

- *Children and Young Persons (Care and Protection) Act 1998* (NSW)
- *Children and Young People Act 2008* (ACT)

Staff of YMCA NSW must maintain the privacy and confidentiality of all persons involved in any safeguarding concern, except if doing so would compromise the welfare of a child or young person, any involved parties or any investigation of the allegation.

Where an allegation against staff occurs, YMCA NSW has a responsibility to ensure staff are treated fairly and the individual's rights are respected during any investigation or disciplinary process.

Procedure directions

Step	Detail	Staff	CPU
Identify indicators	Identify indicators that a child or young person has been, is being, or is at risk of being abused or neglected. Staff are to be vigilant for signs of abuse or neglect including: emotional or psychological abuse, physical abuse, sexual abuse, grooming, neglect (medical, education, supervision), witnessing family violence, sexual exploitation, harm, pre-natal harm, bullying and racial, gender, sexually diverse, cultural or religious abuse	✓	
Identify disclosure	Identify that a disclosure or allegation of abuse or neglect has occurred. Staff are to report all allegations or disclosures where: <ul style="list-style-type: none"> ▪ A child or young person has disclosed abuse or neglect ▪ An allegation is made about the behaviour of clients (including parent or guardian) towards a child or young person ▪ An allegation is made against staff ▪ An allegation is made about staff behaviour towards a child or young person This includes where: <ul style="list-style-type: none"> ▪ You are concerned about a child or young person's health, welfare or wellbeing ▪ You are concerned about the behaviour of clients (including parent or guardian) or other persons towards a child or young person ▪ You are concerned about staff behaviour towards a child or young person 	✓	
Responsibility to report	Responsibility to report arises when staff have: <ul style="list-style-type: none"> ▪ Current concerns about safety, welfare or wellbeing of a child or young person ▪ Concerns a child or young person is at risk of harm ▪ Reasonable grounds or belief to make a report based on information obtained during the course of (or because of) their work 	✓	
Response to a disclosure	If a child or young person discloses abuse it is vital to reassure, support and show care to the child or young person by: <ul style="list-style-type: none"> ▪ Listening carefully to what the child or young person is saying, do not put words in their mouth ▪ Control your emotions and do not express panic or shock ▪ Acknowledge that it is hard to talk about difficult things ▪ Reassure the child or young person that telling you was the right thing to do and that you believe what they are saying ▪ Create a safe space for the child or young person to talk freely, let them know that they are not in trouble ▪ Indicate to the child or young person what you will do with the information (your obligation to report the concerns) Staff should continue to respond to the needs of the child or young person even after a report has been made	✓	

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Step	Detail	Staff	CPU
	Allegations against staff: when an allegation or disclosure against a staff member is reported, this procedure must still be followed in relation to the child or young person	✓	
Record	Record the information, as far as possible, using the exact words, noting specific names, places, dates or actions mentioned Any handwritten notes are to be retained. Notes are to be scanned and uploaded with Risk Wizard report	✓	
Response to immediate danger	In urgent circumstances where there is immediate danger to a child or young person's health and/or safety that may require urgent intervention or action by the police, contact the police immediately on emergency number 000. Record the police reference number	✓	
Report - External	<u>If the police were called</u> , or if you have concerns for the safety, welfare and wellbeing of a child or young person who is in Out of Home Care (e.g. foster care, kinship care or residential care), immediately call the relevant State Helpline NSW: Directly report to the Child Protection Helpline (NSW). If you have a hearing impairment, telephone TTY: 9633 7698 (24 hours). Telephone: 132 111 ACT: Directly report to the Child and Youth Protection Services (ACT). Telephone: 1300 556 729 Email: childprotection@act.gov.au Receive a reference number, document any instructions or conversations. Notify YMCA NSW Child Protection Unit of the outcome as soon as possible	✓	
	<u>If the police were not called</u> NSW: Complete the Mandatory Reporting Guide (MRG) online: https://reporter.childstory.nsw.gov.au/s/mrg ACT: Complete the Child Concern Report (CCR) online: https://form.act.gov.au/smartforms/csd/child-concern-report/ Notify YMCA NSW Child Protection Unit of the outcome as soon as the online report is complete	✓	
	Immediately follow instructions from MRG/CCR. Instructions may include, but are not limited to: <ul style="list-style-type: none"> ▪ Call NSW Child Protection Helpline on 132 111 ▪ Call ACT Child and Youth Protection Services on 1300 556 729 ▪ Monitor relationship ▪ Consult professionals If a call to the relevant State Helpline is made receive a reference number, document any instructions or conversations	✓	
	Save the MRG/CCR report and upload to Risk Wizard by end of shift, or within 24 hours	✓	
	If the child or young person is in YMCA NSW Children's Services, and the incident is classified as a 'serious incident', within 24 hours notify Australian Children's Education and Care Quality Authority (ACECQA) through the portal https://www.acecqa.gov.au/resources/national-quality-agenda-it-system Threshold for serious incident: https://www.acecqa.gov.au/resources/applications/reporting	✓	
If the report is being investigated by NSW Family and Community Services or ACT Child Protective Services your details as a reporter are confidential	✓		

Responding to safeguarding concerns procedure



Step	Detail	Staff	CPU
Report - Internal	Notify your Manager and YMCA NSW Child Protection Unit of the incident and seek advice immediately.	✓	
	Record incident in Risk Wizard as soon as practical or by the end of shift. If this cannot be achieved the incident must be logged within 24 hours. Staff without access to Risk Wizard must report the incident to their supervisor as soon as possible to ensure the matter is reported.	✓	
	Determine whether a Critical Incident Team (CIT) meeting (see <i>Critical Incident Procedure</i>) is required. A CIT meeting will review immediate actions to date including confirming what reporting obligations have been carried out. The CIT will determine: <ul style="list-style-type: none"> ▪ How/when to notify a child or young person parent or guardian of an allegation ▪ How/when to notify a staff member of an allegation/s, the investigation process, their rights and obligations and their support options ▪ Whether an investigation of the allegation/s is required. If an investigation is required (see <i>Investigation Procedure</i>) the following bodies may need to be notified: <ul style="list-style-type: none"> • NSW Ombudsman • Office of the Children’s Guardian • Australian Childhood Foundation (ACF) • Australian Children’s Education and Care Quality Authority (ACECQA) • YMCA Australia • Additional stakeholders including, but not limited to, school principals, teacher and parent or guardian 		✓
Update	Continue to liaise with YMCA NSW Child Protection Unit	✓	
	NSW: A Chapter 16A request may be required under the legislation to exchange information with Government Departments who hold information about a child or young person. If this is required contact the Child Protection Unit		✓
	ACT: Part 25.3 provides for the sharing of protection information with Government Departments who hold information about a child or young person. If this is required contact the Child Protection Unit		✓
Monitor	Monitor, update and action all incidents reported in Risk Wizard	✓	✓
	Regularly monitor records of child abuse reports to ensure that they are responded to effectively in accordance with this procedure		✓
	Monitor the parties involved and if you continue to be concerned or other issues arise – repeat this process	✓	
	Continue to respond to the needs of the child or young person (within the limits of the work role) even after a report to NSW Child Protection Helpline or ACT Child and Youth Protection Services has been made	✓	
	Consider referrals to other services that may support the child, young person or family. Where concerns have not reached a threshold for reporting, staff are encouraged to contact the Child Protection Manager or Child and Family Manager to discuss relevant referrals for the child, young person or family.	✓	
Maintain records	Restrict access to Risk Wizard incidents if required		✓
	Restrict access to records: <ul style="list-style-type: none"> ▪ Store electronic documents within access-controlled folders ▪ Store physical documents within key-controlled cabinets 		✓



Questions and answers

Is it a safeguarding concern when children are behaving poorly?

The answer to this may vary depending on the circumstances and should be assessed on a case by case, incident by incident, basis.

For example, a child who has gone missing from roll call may be a compliance matter rather than safeguarding or it may be that the incident requires two reports to be filed detailing both areas.

The incident may be a Health and Safety matter if the issue was about a child hurting another child if it did not cause any injury or harm and did not reach a level of significant risk of harm to the other child. Again it may be that the incident requires two reports if the level of the child's behaviour has reached such a point that the behaviour has become a risk of significant harm to another child or themselves.

Where behaviours are escalating contact should also be made with the Area Manager followed by Quality and Compliance Managers. Further referrals can also be made to the Child and Family Manager.

Where the issues or concerns relate to child protection matters and/or have reached a critical point, contact should be made with the Child Protection Manager who will assess the situation and determine whether a CIT should be held, or if other options or actions could be explored.

Is there a time police are called on a non-emergency number?

If a report requires a follow up call, staff and/or CPU may call the Local Area Command (LAC) or Joint Investigation Response Team (JIRT)

Implications

YMCA NSW considers that failing to report an instance, allegation, disclosure or concern relating to abuse or neglect of a child or young person 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.

Under the *Ombudsman Act 1974* (NSW) it is an offence to, without lawful excuse, refuse or wilfully fail to comply with any lawful requirement of the Ombudsman. Under section 316 of the *Crimes Act 1900* (NSW) failure to report a crime or provide assistance to the police or other appropriate authority, may result in imprisonment for 2 years.

Where the matter concerns a 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* (NSW).

Under section 356 of the *Children and Young People Act 2008* (ACT) failure to report a Child Concern Report in a timely fashion, may result in a maximum penalty of 50 penalty units, imprisonment for 6 months or both.

Related policies and procedures

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

- Safeguarding children and young people policy
- Standards of conduct
- Critical incident procedure
- Investigation procedure



Related legislation

- *Children and Young Persons (Care and Protection) Act 1998* (NSW)
- *Child Protection (Working with Children) Act 2012* (NSW)
- *Privacy and Personal Information Protection Act 1998* (NSW)
- *Children (Education and Care Services National Law Application) Act 2010* (NSW)
- *Education and Care Services National Law (ACT) Act 2011* (ACT)
- *Information Privacy Act 2014* (ACT)
- *Children and Young People Act 2008* (ACT)
- *Human Rights Act 2004* (ACT)

Other references

- Education and Care Services National Regulations 2011
- The Ombudsman Act 1974 (NSW) Child Protection (Working with Children) Regulation 2013
- United Nations General Assembly, *Convention on the Rights of the Child*, 20 November 1989 (entered into force 2 September 1990)
- Australian Children's Education and Care Quality Authority (ACECQA)
<https://www.acecqa.gov.au/resources/applications/reporting>
- Child Wellbeing and Child Protection – NSW Interagency Guidelines <http://www.community.nsw.gov.au/kts>
- NSW Ombudsman <https://www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets/child-protection>
- NSW Office of the Children's Guardian <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/what-gets-checked-/risk-assessment>
- NSW making a child protection report - How do I know if a child or young person is being abused or neglected?
http://www.community.nsw.gov.au/_data/assets/pdf_file/0010/336358/signs_abuse.pdf
- ACT reporting child abuse and neglect <http://www.communityservices.act.gov.au/ocyfs/child-and-youth-protection-services/report-child-abuse-and-neglect>
- ACT keeping children and young people safe
<http://www.communityservices.act.gov.au/ocyfs/publications/keeping-children-and-young-people-safe>



Definitions

Term	Definition
ACECQA	Australian Children's Education and Care Quality Authority (ACECQA) is the independent national authority that guides the implementation of the National Quality Framework (NQF) for children's education and care
Bullying	<p>Bullying involves behaviour that is unreasonable, repeated or persistent in nature and can be a range of behaviours over time which creates a risk to work health and safety. It is important to note that it is irrelevant whether the individual or individuals who are bullying intend to bully the victim.</p> <p>Bullying can be verbal, physical, social or psychological. In the workplace bullying may include, but is not limited to:</p> <ul style="list-style-type: none"> ▪ Inappropriate use of power by one or more persons over another less powerful person or group ▪ Physical contact or coercive behaviour, threatening gestures and inappropriate body language ▪ Name calling and unwanted nicknames ▪ Practical jokes or 'initiation' practices ▪ On-going teasing, ridicule, sarcasm, name calling or spreading gossip or malicious rumours ▪ Derogatory, dismissive or intimidating verbal and written statements made directly or through a third party ▪ Persistently using inappropriate, insulting and/or abusive language ▪ Excluding or isolating individuals from normal workplace interaction, or work-related social interaction ▪ Constant threats to terminate or demote ▪ Continual unjustified and unnecessary comments about a person's standard of work or capacity for work ▪ Setting unreasonable tasks, meaningless tasks unrelated to a person's role or timelines or withholding information necessary to perform work ▪ Minimisation or non-acknowledgement of individual work or contribution to team activities ▪ Making a false, unfounded allegations about an individual with the intent to bring disrepute to the person ▪ Pictures, posters, cartoons, graffiti or written material that may be offensive or obscene ▪ Threatening or abusive communications, such as telephone calls, facsimiles or messages on email or social media ▪ Stalking an employee within the workplace or to or from work
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
Emotional or psychological abuse	<p>Emotional or psychological abuse occurs when a child or young person does not receive the love, affection or attention they need for healthy emotional, psychological and social development</p> <p>Such abuse may involve repeated rejection or threats to a child or young person. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviours continue to an extent that results in significant damage to the child or young person's physical, intellectual or emotional wellbeing and development</p>
Grooming	Grooming refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity




Term	Definition
Harm	<p>Harm, to a child or young person, is any detrimental effect of a significant nature on the child or young person'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"> ▪ Physical, psychological or emotional abuse or neglect ▪ Sexual abuse or exploitation ▪ A single act, omission or circumstance ▪ A series or combination of acts, omissions or circumstances
Mandatory reporter / mandated reporter	<p><u>YMCA NSW</u> YMCA NSW stipulates that all staff are mandatory reporters of child abuse and neglect, regardless of whether they fall within the categories identified in the legislation</p> <p><u>New South Wales</u> An individual required by law to report to Child Protection Helpline when they have reasonable grounds to suspect that a child, or class of children, is at risk of significant harm from abuse or neglect. A Mandatory Reporter under Section 27 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) is:</p> <ol style="list-style-type: none"> a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children b) a person who holds a management position in an organisation and the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children <p><u>Australian Capital Territory</u> A mandated reporter under Section 356 of the <i>Children and Young People Act 2008</i> (ACT) is:</p> <ol style="list-style-type: none"> a) a person caring for a child at a childcare centre (this includes a childcare assistant or aide caring for a child at the childcare centre if the assistant or aide is in paid employment at the childcare centre, but does not include anyone caring for a child as an unpaid volunteer) b) a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation
Neglect	<p>Neglect is the persistent failure or deliberate denial to provide the child or young person with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, hygiene, medical attention or supervision to the extent that the child or young person'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 to the family</p>
Parent / guardian	<p>Parent – a person's legal mother or father</p> <p>Guardian – a person who is entrusted by law with the care of another person who is a minor or is someone legally incapable of managing their own affairs</p>
Physical abuse	<p>Physical abuse occurs when a person subjects a child or young person 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. It also includes giving children or young people harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child or young person at risk of being hurt</p>
Racial, cultural or religious abuse	<p>Racial, cultural or religious abuse is conduct that demonstrates contempt, ridicule, hatred, or negativity towards a child/young person because of their culture, race or religion</p>



Term	Definition
Safeguarding	Safeguarding is the action that is taken to promote the safety, welfare and wellbeing of children and young people. This includes, but is not limited to: <ul style="list-style-type: none"> ▪ protecting children and young people from abuse and/or neglect ▪ preventing harm to children’s welfare and wellbeing ▪ ensuring children are provided with a child safe environment
Sexual abuse	Sexual abuse is any act that exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted standards. It includes actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity. (<i>Royal Commission into Institutional Responses to Child Sexual Abuse</i>)
Sexual exploitation	Sexual exploitation occurs when children or young people 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. This can occur even if images of children were not specifically created for the purposes of pornography or gratification at the time of their production. Exploitation can also involve children or young people who are forced into prostitution
Staff	Any person YMCA NSW employs or engages. This includes paid employees, volunteers, directors, contractors, consultants, and student placements
Witnessing family violence	Witnessing family violence is a specific form of emotional and psychological abuse. Witnessing family violence occurs when children or young people are forced to live with violence between adults in their home. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between 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

Document control

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