

# **CHILD ABUSE REPORTING AND ALLEGATIONS POLICY**

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# **CHILD ABUSE REPORTING AND ALLEGATIONS POLICY**

## **INTRODUCTION**

Yeshivah – Beth Rivkah Colleges and Pre-Schools (the Organisation) is committed to protecting the children and young people to whom it delivers service.

Accordingly we have developed this policy on how to respond to child abuse reports and allegations. This policy acts as a guide to all our staff in meeting their responsibilities in this area. Our staff 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 staff are required to respond to abuse or neglect perpetrated by staff within our Organisation or by other persons.

## **Endorsement**

We take seriously our responsibility to deliver educational services within an environment that is caring, nurturing and safe. Our Governing Body ('The Board') is committed to ensuring the safety of all children and young people to whom we provide services or who participate in our programs.

Wherever the Board is referenced in this document, the Board have delegated authority and responsibility of implementing Policy and Procedure to the College Principal. In doing so, the Board still retains responsibility and oversight for the overall school compliance with this Policy and Procedure.

The Board endorses the Child Abuse Reports and Allegations Policy and reflects the Organisations' commitment to safeguarding children and young people from abuse and neglect.

## **Scope**

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

### **Important Note:**

1. This policy must be read in conjunction with the 'YBR Reportable Conduct' policy
2. This policy relates to instances of alleged Child Sexual Abuse and matters of child safety as defined by reporting obligations under the Children, Youth & Families Act 2005, the Crimes Act 1958 and Ministerial Order 870 – Child Safety Standards. Non-reportable issues relating to cultural, ethical and religious concerns should be referred to the Board Chair for consideration by the Rabbinic Sub-Committee. The Board Chair will then respond as appropriate.

## **DEFINING ABUSE AND NEGLECT**

Our Organisation is committed to safeguarding the children and young people in our care from abuse in any form, including:

### **Sexual abuse**

Sexual abuse spans a range of contact and non-contact behaviour.

Non-contact behaviour includes:

- making sexual comments including but not limited to, social media, directly, in letters, by telephone, text messages or email
- voyeurism – including commenting on physical attractiveness
- exposing a child to pornography
- nudity – an abuser exposing parts of their body, or the child's body.

Contact behaviour includes:

- fondling or kissing
- sexual penetration
- exploiting a child through prostitution.

### **Physical abuse**

Physical abuse occurs when a child is subjected 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.

### **Emotional or psychological abuse**

Emotional or psychological abuse occurs when a child is repeatedly rejected or threatened. Often there is a pattern of emotional or psychological abuse, rather than a single incident. Such abuse may involve humiliating, terrorising, name-calling, belittlement, inappropriate symbolic acts or continual coldness from the caregiver or parent, to the extent that results in significant damage to the child's physical, intellectual or emotional wellbeing and development.

### **Neglect**

Neglect occurs when a parent or caregiver fails to provide a child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, medical attention or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed.

### **Witnessing family violence**

Witnessing family violence is a specific form of emotional or psychological abuse. 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.

### **Sexual Exploitation**

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.

## **Harm**

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

- physical, psychological or emotional abuse or neglect; or
- sexual abuse or exploitation.
- a single act, omission or circumstance; or
- a series or combination of acts, omissions or circumstances.

## **Grooming**

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 SMS.

## **Bullying**

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:

- Verbal (name calling, put downs, threats)
- Physical (hitting, punching, kicking, scratching, tripping, spitting)
- Social (ignoring, excluding, ostracising, alienating)
- Psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions).

## **Student to Student Peer Abuse (Student Sexual Offending)**

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence.

A sexual offence includes rape, sexual assault, indecent acts and other unwanted sexualised touching, all of which are offences under the *Crimes Act 1958*.

## RESPONSIBILITIES

Our staff are required to immediately report any instance of serious abuse or neglect i.e. cases in which a child or young person has suffered, or is likely to suffer, significant harm from abuse or neglect to the relevant Senior Staff Member or School Welfare Committee member. If it is not possible to report it immediately, then it should be done no later than before ending that person's session of work with our Organisation. The Senior Staff Member or Welfare Committee member will then notify the College Principal as is appropriate.

In taking a report of concern, or of an incident our staff 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.

Similarly, our staff 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 'Child Abuse Reporting and Allegations Policy'
- actions of other staff within our Organisation that contravene our policies, or that may otherwise have the potential to harm a child or young person.

Whilst not all staff within our Organisation are subject to legal mandatory reporting requirements for child abuse, we require all staff within the Organisation to report serious physical abuse, unexplained injury, a disclosure of physical and/or sexual abuse by a child or witness or a combination of factors that suggest the likelihood of physical and/or sexual abuse or any Child Safety concerns. Reports must be made to the Senior Staff Member/Welfare Committee Member as above. The legal obligation of reporters is not removed by a decision by a Senior Staff Member not to contact an outside agency and all our staff retain the right to report directly to relevant authorities, i.e. call the Police, DHS, CCYP etc. in relation to any concerns they may have about the safety and welfare of a child or young person. This is true even if they have already reported the matter to a Senior Staff Member/Welfare Committee Member in line with our 'Child Abuse Reporting and Allegations Policy'.

Fulfilling the roles and responsibilities contained in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk.

## **MANDATORY REPORTING**

School teachers are **legally** obliged to report all cases of suspected child abuse to Child Protection. Other staff, whilst not legally bound to report all types of child abuse, do have a legal obligation, and are obligated by our school policies, to report child physical and/or sexual abuse.

Reporting child physical and/or sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child physical and/or sexual abuse to police.

Any adult who forms a reasonable belief that a physical and/or sexual offence has been committed against a child has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

For more information, please click on the link - [Disclosing Sexual Abuse Q&A](#).

Whilst not all staff within our Organisation are subject to legal mandatory reporting requirements for child abuse, we require all staff within the Organisation to report serious physical abuse, unexplained injury, a disclosure of physical and/or sexual abuse by a child or witness or a combination of factors that suggest the likelihood of physical and/or sexual abuse. Mandatory reports must be made to the Senior Staff Member immediately. The legal obligation of mandated reporters is not removed by a decision by a Senior Staff Member not to contact an outside agency and all our staff retain the right to report directly to relevant authorities, i.e. the police, any concerns they may have in relation to the safety and welfare of a child or young person, even if they have also reported that matter internally, in line with the Organisation's 'Child Abuse Reporting and Allegations Policy'.

Our policy:

- prohibits all staff from discussing any concerns or allegations with unauthorised staff – 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
- prohibits all staff from making deliberately false, misleading or vexatious allegations.

A more detailed outline for our reportable conduct policy can be found under the YESHIVAH-BETH RIVKAH COLLEGES - NOTIFYING REPORTABLE CONDUCT POLICY.

## **CONSEQUENCES OF BREACHING POLICY**

If our staff fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person – by staff 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.

\*Senior Staff Member = Head of Students, Head of Teaching and Learning, Co-ordinator/Head of Jewish Studies, Campus Rabbi Pastoral, Head of School, Deputy / Assistant Principal or Principal (CEO/Board Chair, or their delegate, if the matter relates to the Principal or there is a conflict of interest for the Principal).

## **CONCERNS OR ALLEGATIONS REGARDING ABUSE OR NEGLECT BY FAMILY OR OTHER EXTERNAL SOURCES**

If you believe that a child is in need of protection from harm (other than physical injury or sexual abuse) e.g. persistent neglect, lack of supervision, family violence, parental substance abuse.

In any of the above circumstances follow these procedures:

- a) Speak to a member of the Welfare Committee, a Senior Staff Member , or College Principal immediately
- b) The Welfare Committee member/Senior Staff Member/College Principal is to follow the Committee's procedures for reporting abuse and allegations i.e. notify the Principal as appropriate, document discussion, seek assistance and contact the relevant government agencies where necessary
- c) The Welfare Committee member / Senior Staff Member/College Principal will document and inform relevant staff of decisions and action taken, as appropriate
- d) If the Welfare Committee member/Senior Staff Member/College Principal decides not to contact an outside agency and the member of staff believes that a referral/report should be made, that staff member should do so and inform the Welfare Committee Member/Principal of action taken
- e) The situation is to be monitored to ensure that issues are resolved and that the child and family are supported

## **CONCERNS OR ALLEGATIONS OF ABUSE OR NEGLECT ON THE PART OF OUR EMPLOYEES, VOLUNTEERS OR CONTRACTORS**

All staff must report, immediately, to the relevant Senior Staff Member of School Welfare Committee Member, or the Principal of Yeshivah-Beth Rivkah and Pre-Schools, any instance, allegation, disclosure or reasonable concern of abuse or neglect of a child or young person arising from an action by an employee, contractor or volunteer within our Organisation.

If the Principal is the subject of the complaint, or there is a clear conflict of interest, the matter must be reported to the Board Chair or CEO, or their delegate. The Board Chair or CEO (or their delegate) will then become the 'Head of School' for the purposes of responding to and reporting the reportable allegation.

## **CONCERNS OR ALLEGATIONS OF STUDENT TO STUDENT PEER ABUSE:**

All staff must report immediately, to the relevant Senior Staff Member or School Welfare Committee Member, or the Principal of Yeshivah-Beth Rivkah and Pre-Schools, any instance, allegation, disclosure or reasonable concern of or suspicion that a student is a victim of student sexual offending and/or a student is engaged in, or has committed, student sexual offending. If the Principal has a clear conflict of interest, the matter must be reported to the Board Chair or CEO or their delegate.



## REPORTING TO POLICE OR CHILD PROTECTION (DHS)

If a reportable incident involving a staff member, volunteer, contractor, or student to student peer abuse is disclosed to a School Welfare Committee Member or Senior Staff Member, and not directly to the Principal, the School Welfare Committee member or Senior Staff Member should inform the College Principal of the incident, any actions taken and reports made. If the matter involves the Principal, or there is a conflict of interest, the Welfare Committee Member or Senior Staff Member should inform the Board Chair or CEO (or their delegate) of the incident, any actions taken and reports made. If a child or young person is at imminent risk of harm or in immediate danger, all our staff are required to immediately report the situation directly to Victorian Police, Tel: 000 and/or Child Protection – Southern Region (1300 655 795) / Child Protection After Hours Service, Tel: 13 12 78.

Please see relevant Departmental, DHS & Child First contact details:

Contact Numbers		
<b>Department of Education and Early Childhood Development</b>	<b>Department of Human Services Child Protection</b>	<b>CHILD FIRST</b>
<b>METROPOLITAN REGIONS</b>	<b>METROPOLITAN REGIONS</b>	<b>Local Catchment Area</b>
Eastern (03) 9265 2400	<b>Intake Unit</b>	<b>Contact</b>
Northern (03) 9488 9488	Eastern 1300 360 391	Barwon South Western Greater Geelong, Queenscliff, Surf Coast 1300 551 948
Western (03) 9291 6500	North and West 1300 664 977	Western Colac – Otway, Corangamite 5232 5500
Southern (03) 9794 3555	Preston Footscray 1300 360 462	Warrambool, Moyne, Glenelg, Southern Grampians 1300 889 713
<b>RURAL REGIONS</b>	Southern 1300 655 795	Dandenong (03) 9213 2111
Barwon South Western 5225 1000	<b>RURAL REGIONS</b>	<b>Intake Unit</b>
Gippsland 5127 0400	<b>Regional Office</b>	<b>Barwon South Western</b>
Grampians 5337 8444	Barwon South Western 1800 075 599	Geelong (03) 5226 4540
Hume 5761 2100	Gippsland 1800 020 202	Traralgon (03) 5177 2500
Loddon Mallee 5440 3111	Grampians 1800 000 551	Ballarat (03) 5333 6530
	Hume 1800 650 227	Wangaratta (03) 5722 0555
	Loddon Mallee 1800 675 598	Wodonga (02) 6055 7777
		Bendigo (03) 5434 5555
<b>Office for Children and Licensed Children's Services:</b>	<b>After hours Child Protection Emergency Services (AHCPEs)</b>	
<b>METROPOLITAN REGIONS</b>	Statewide number for all emergency child protection matters outside of normal business hours (24 hours, 7 days a week):	<b>1 31 278</b>
Eastern (03) 9265 2400	Victoria Police	000
Northern (03) 9412 5333	<b>Catholic Education Offices</b>	
Western (03) 9275 7000	Catholic Education Office, Melbourne (03) 9267 0228	
Southern (03) 9096 9555	Catholic Education Office, Ballarat Diocese 5337 7135	
<b>RURAL REGIONS</b>	Catholic Education Office, Sale Diocese 5622 6600	
Barwon South Western 5225 1000	Catholic Education Office, Sandhurst Diocese 5443 2377	
Gippsland 5127 0400	<b>Independent Schools Victoria</b> (03) 9825 7200	
Grampians 5337 8444	<b>Other</b>	
Hume 5761 2100	Victorian Aboriginal Education Association, Inc. (03) 9481 0800	
Loddon Mallee 5440 3111	Victoria Police Sexual Offences and Child Abuse Unit (03) 9247 6666	
	Centre Against Sexual Assault 1800 806 292	
	Gatehouse Centre, Royal Children's Hospital (for specialist counselling and medical assistance) (03) 9345 6391	
	Child Safety Commissioner (03) 8601 5884	
	Victorian Aboriginal Child Care Agency (03) 8388 1855	
<b>Important information for government schools</b>		
Principals of Victorian Government schools must report all incidents to the Emergency and Security Management Unit on 03 9589 6266.		
Victorian Government schools should contact the Student Critical Incident Advisory Unit (SCIAU), Student Wellbeing Division, for advice and support when responding to allegations of student sexual assault or inappropriate sexual behaviours.		
The SCIAU can be contacted on 03 9637 2934 or 03 9637 2487.		
Victorian Government School Principals should refer to the flowchart – Responding to Allegations of Student Sexual Assault/Compulsory Actions for Principals at: <a href="http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm">http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm</a>		
		<b>Eastern Metropolitan</b>
		Yarra Ranges, Knox, Maroondah 1300 369 146
		Moonah, Whitehorse, Manningham, Boroondarra 1300 762 125
		<b>North and West Metropolitan</b>
		Nilumbik, Whittlesea, Banyule, Yarra and Darebin (03) 9450 0955
		Brimbank, Melton 1300 138 180
		Hume, Moreland 1300 786 433
		Hobson's Bay, Maribyrnong, Melbourne, Moonee Valley and Wyndham 1300 786 433
		<b>Southern Metropolitan</b>
		Casey, Cardinia, Greater Dandenong (03) 9705 3939
		Aboriginal children and families (Casey, Cardinia and Great Dandenong) (03) 9794 5973
		Frankston, Mornington Peninsula 1300 721 383
		Kingston, Bayside, Glen Eira, Stonnington, Port Phillip 1300 367 441

## REPORTING TO CCYP:

When a reportable incident involves a staff member and a requirement to report to CCYP, please refer to the 'Notifying Reportable Conduct to CCYP' Policy as to the required process.

In situations where a child or young person is making an allegation, our staff 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 'Record of a child abuse allegation, disclosure or concern' form as a

guide

- record on the 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.

In response to any instance of 'serious' abuse or neglect involving our staff ('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), the Principal of Yeshivah-Beth Rivkah and Pre-Schools and/or Senior Staff Member and/or Welfare Committee Member, will ensure that the incident is reported to:

- Victorian Police, Tel: 000 and/or Child Protection – Southern Region (1300 655 795) / Child Protection After Hours Service, Tel: 13 12 78 immediately.
- Australian Childhood Foundation (ACF), within 28 days, in accordance with the requirements of that Organisation's Safeguarding Children Program.

The Principal of Yeshivah- Beth Rivkah and Pre-Schools and/or Senior Staff Member and/or Welfare Committee Member, will investigate and deal with allegations of inappropriate and unacceptable behavior towards a child in line with our Organisation's general procedures for complaint resolution and disciplinary measures found in the respective Staff and Parent Handbooks.

If an allegation has been made against a staff member/volunteer of our Organisation, Principal of Yeshivah-Beth Rivkah and Pre-Schools will:

- take any action necessary to safeguard the child or young person (or other children or young people in our care) from additional harm.
- Ensure that the incident is reported to the appropriate authorities, including CCYP

Please see the 'YBR Notifying Reportable Conduct' Policy and ensure all requirements of that policy are followed.

Our Principal of Yeshivah-Beth Rivkah and Pre-Schools will oversee creation of a file to contain the completed 'Record of a child abuse allegation, disclosure or concern' form, and any other documentation relating to the allegation and subsequent action.

School staff will take proactive actions to protect a child/ren in relation to alleged abuse until the allegation is resolved. These may include:

- Abide by all instructions / guidelines / recommendation provided by Police, DHS, the Commission for Children and Young People, Child First or any other relevant authority, in ensuring the protection and safety of the child/ren and family during the investigation / resolution of the allegation
- The school may also deem it necessary to take further protective action during the investigation / resolution of the allegation, which may include (legally) precluding the staff member from attending the school or school premises, or coming into contact, or having any form of contact or exposure whatsoever, to the child/ren and their family/ies.

- Additional supervisors may be assigned to continuously/periodically supervise/observe the staff member and child/ren involved until the allegation can be appropriately investigated / resolved.
- The College may deem it necessary to take any other reasonable action at the time to ensure/uphold the safety of the child/ren, depending on the allegation and the risk associated thereof.

The school staff will continue to re-assess the risk level and take appropriate actions until the issue is resolved.

## **A REFERRAL TO CHILD FIRST**

If you have significant concern for a child's wellbeing, but do not believe that the child is in need of protection. This includes situations such as significant parenting problems that may be affecting the child's development, serious family conflict/breakdown, significant social and economic disadvantage that may adversely impact on the child's development.

In any of the above circumstances follow these procedures:

- a) Speak to a member of the Welfare Committee from the appropriate campus immediately
- b) Discreetly speak to other staff to see if they have similar concerns.
- c) Speak to the parents. This is often sufficient to correct the problem.
- d) Document discussion and results.
- e) If you feel that you cannot speak to parents or if you have spoken to parents and their response is inadequate then:
  - f) Document Discussion
  - g) The Welfare Committee member should follow the Committee's procedures for reporting abuse and allegations i.e. notify the Principal, document discussion, seek assistance and contact the relevant government agencies where necessary
  - h) The Welfare Committee member will document and inform relevant staff of decisions and action taken
  - i) If the Welfare Committee member decides not to contact an outside agency and the member of staff believes that a referral to Child First should be made, that staff member should do so and inform the Welfare Committee Member/Principal of action taken
  - j) The situation is to be monitored to ensure that issues are resolved and that the child and family are supported

Child First: South Metropolitan Region - 1330 667 441

## **CONFIDENTIALITY AND PRIVACY**

Our Organisation 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.

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).

## **DOCUMENTATION**

As part of our policy for responding to reports or allegations of child abuse, we have developed a 'Record of a child abuse allegation, disclosure or concern' form, which is to be used by any of our people to document any allegation, disclosure, incident or concern regarding child abuse inside or outside the Organisation.