 <b>YMCA</b> We build strong PEOPLE strong FAMILIES strong COMMUNITIES	<b>Management Area:</b> Human Resources	Pages: [05] Version No: [01]
	<b>Policy Title Related to this procedure:</b> Working with Children	Date: [16/6/2009] Signed: <i>[Signature]</i>
<b>MOP Title: Reporting Incidents &amp; Managing Allegations</b>		<b>Author: Catherine Pont</b>

## 1. Scope

- 1.1. All YMCA of Sydney Staff & Volunteers

## 2. Purpose/Policy Statement


An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. Under NSW child protection legislation, some people are legally required to report concerns they have about the safety, welfare or wellbeing of a child. At the YMCA of Sydney these Mandatory notifier's are employees who hold a management position or have the direct responsibility for supervision.

## 3. Definitions


- 3.1. **Child:** The act defines a child as anyone under 16 years of age and
- 3.2. **Young Person:** A young person as a person aged between 16 and 18 years of age
- 3.3. **Child Abuse:** Abuse is an act by a parent, caregiver, other adult or older adolescent that endangers a child or young person's physical or emotional health or development. Abuse can be a single incident, but usually takes place over time. Abuse can happen in several different ways. Abuse can be physical, emotional and/or sexual. It can also encompass neglect and harassing behaviours like bullying
- 3.4. **Mandatory Notifier:** A mandatory notifier is any person who delivers services to children as part of their paid work. You are also a mandatory notifier if you hold a management position in any of these services and your duties include direct responsibility for, or direct supervision of, the provision of these services.

## 4. Procedure


- 4.1. Reporting an incident
  - 4.1.1 If you suspect a child is at Risk of Harm – you do not need to be certain, you only need to make sure that your concerns are well founded and based on information you know or have from a reliable source. You should make a report to your centre manager, group manager or to a member of the human resources team
- 4.2. Initial Response
  - 4.2.1 Clarify with complainant any allegations made – Who? What? When?
  - 4.2.2 In consultation with the Centre Manager, Group Manager or the Human Resources team, assess the risks posed by the employee to children under care; if allegation is NOT against a staff person, contact and advice should be obtained through DoCS
  - 4.2.3 Take interim action to ensure the safety of the children
  - 4.2.4 Report to DoCS and NSW Police if necessary

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- 4.2.5 Address the support needs of the child
- 4.2.6 Address the support needs of the employee. Every person who has an allegation of abuse against them must be considered innocent until proven otherwise.
- 4.2.7 Items 4.3, 4.4, 4.5, 4.6, 4.7 and 4.8 are related to investigation process if allegation is made against a staff person or volunteer; if allegation is not made against a staff member or volunteer, advice and action required should be obtained from DoCS
- 4.3 Next Steps
  - 4.3.1 Identify relevant people to provide information e.g. witnesses
  - 4.3.2 Do not interview the child. This process will be dealt with by DoCS or the Police
  - 4.3.3 Document all information relating to any incident. The Human Resources team or Chief Executive Officer may appoint an independent person to conduct the investigation.
- 4.4 Information Gathering
  - 4.4.1 Collect relevant documentary evidence and sufficient information to assist in decision making
  - 4.4.2 Ensure all witness interviews are adequately recorded. Interview records must be signed and dated
  - 4.4.3 In consultation with the CEO, review initial assessment and take action to address concerns
- 4.5 Procedural fairness and natural justice
  - 4.5.1 After the initial stage of the investigation, the allegation will be put to the employee in an interview with Human Resources or the CEO present
  - 4.5.2 The employee has the right to have an observer present during the interview and to consult an advisor about the process
  - 4.5.3 The employee will have an opportunity to respond both during the interview and/or in a written submission
  - 4.5.4 All proceedings are subject to strict confidentiality and each party must maintain that confidentiality
- 4.6 Making a finding
  - 4.6.1 The organisation will consider all information gathered
  - 4.6.2 A finding as to whether the allegation is sustained or not sustained will be made
  - 4.6.3 The rationale for the finding must be clearly documented
  - 4.6.4 The person making the decision will be separate to the investigator
- 4.7 Taking Action

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- 4.7.1 A decision about what action to take will be made with possible disciplinary action or amendments to policy or procedures
- 4.7.2 If the allegation is sustained a report will be made to the Commission for Children and Young People (CCYP)
- 4.7.3 A final report will made for the organisations records
- 4.8 Final Result
  - 4.8.1 A finding of sustained or not sustained will be delivered
  - 4.8.2 If the finding is not sustained the disciplinary process is concluded and no report is made to the CCYP
  - 4.8.3 If the finding is sustained a report will be made to the CCYP re child related disciplinary proceedings. This will be recorded on the Commissions database

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## 5. Flowchart




### List of Professions that have a Mandatory Requirement to report suspected instances of child abuse:

Jurisdiction	Who is mandated to notify	What is to be notified
NSW	Any person who delivers health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children (aged under 16) as part of their paid work and includes any person who directly manages or supervises such work	Concerns about the safety, welfare and wellbeing of a child

(Referenced from DoCS NSW website)

<sup>1</sup> Group Manager, Chief Executive, Chair and Board to be notified as described elsewhere in this document.

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## 6. Training Required (for this procedure)

- 6.1. Staff Induction Manual

## 7. Related Documents

- 7.1. NSW Commission for Children and Young People  
 7.2. Working with Children consent form  
 7.3. Prohibited Employee Declaration

## 8. Version History

Version	Date	Description of changes	Author	Effective Date
1	16/6/09	Initial Procedure	C. Pont	16/6/09

I endorse the Reporting Incidents & Managing Allegations

Name Catherine Pont  
 Management Area Manager

Signature   
 Approving Manager

Date 16/6/2009