



NATIONAL COUNCIL OF THE YMCAS OF AUSTRALIA OUR APPROACH TO REDRESS

YMCA RESPONSE TO SURVIVORS OF CHILD SEXUAL ABUSE in the YMCA

Adopted XX November 2015



The National Council of the Young Men's Christian Associations of Australia ABN 45 004 076 297
Level 1, 88 Market Street, South Melbourne, Victoria 3205 Australia
Telephone (03) 9699 7655 **Facsimile** (03) 9699 2365
Email admin@ymca.org.au **Website** www.ymca.org.au

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A MESSAGE FROM THE PRESIDENT AND CEO

It is within the very fabric and identity of the YMCA Movement to provide programs and services for children, young people and their families.

As part of our commitment to being a child-safe organisation, we are honoured to present the National Council of YMCAs of Australia Approach to Redress.

The YMCA considers all forms of child abuse to be intolerable and inexcusable under any circumstances. We recognise the lifelong impact that child abuse may have on the health and wellbeing of individuals, their families, and communities.

Our response to survivors of child sexual abuse at a YMCA in Australia is based on our long-held values of respect for the dignity of all people. Quite simply, it is the right thing for us to do.

In approving this response at our 2015 National Annual General Meeting, we are making an important stand for the future health and wellbeing of survivors of child sexual abuse, and consciously acknowledging the wrongs of our past.

We can be proud of the way we have worked together as directors and staff from across our Movement, as well as with external experts, to ensure a response that is survivor-focused and built on principles of transparency, accountability and consistency.

In seeking to address the wrongs of the past, we are also paving the way for what we sincerely hope is a better future for survivors, ensuring that we learn from the past and protect all children in our care, long into our future.

Yours sincerely,

Andrew Smith
President

Ron Mell
Chief Executive Officer

PURPOSE OF OUR APPROACH TO REDRESS

The YMCA respects the inherent dignity of all people and is committed to providing opportunities for all people to grow in body, mind and spirit.

The YMCA considers all forms of child abuse to be intolerable and inexcusable under any circumstances and recognises the lifelong impact that child abuse may have on the health and wellbeing of individuals, their families and the community. Wherever children have experienced abuse they must be given opportunities to access support and assistance to heal, recover, have their experiences acknowledged and be provided with opportunities to realise their full potential. We accept our responsibility to ensure that any person who has experienced sexual abuse as a child within the YMCA, or by a YMCA employee or volunteer is offered a response that is equitable and just.

Our Approach to Redress is focused on providing a response to those who have experienced sexual abuse as a child within the YMCA, or by a YMCA employee or volunteer.

HOW WILL THIS BE APPLIED?

The YMCA Approach to Redress was adopted by the National Council of the YMCAs of Australia at its 2015 Annual General Meeting. It consists of a set of principles that underpin the response of all YMCA Associations and other YMCA entities to survivors of child sexual abuse. Adherence to the YMCA Approach to Redress is a 'priority one' YMCA Licensing Standard.

The YMCA Approach to Redress applies to all current and former members of the National Council and will be annually reviewed.

THE PROCESS

Our Approach to Redress encompasses a clear process following disclosure of an abuse to the YMCA, an assessment as to eligibility, the validation of claims or allegations, a collaborative process to determine the provision of various elements of redress and a process for the independent review of decisions made, where required.

DEFINITIONS

| Term | Definition |
|---|---|
| Child | The YMCA considers a child to be a person who is a minor at the time of the alleged offence in the relevant jurisdiction. |
| Employee | Any person employed by a YMCA Association, YMCA Australia or other YMCA entity by either paid employment or contract. |
| Volunteer | Any person engaged by a YMCA Association or YMCA Australia or other YMCA entity in a voluntary capacity. This also includes volunteer Board Directors. |
| Sexual abuse | Sexual abuse occurs when an adult involves a child in any sexual activity. Sexual abuse is unlawful and it can include, but is not limited to making sexual comments to a child, engaging a child to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse and encouraging a child to view pornographic magazines, websites and videos. |
| Survivor | The YMCA considers a survivor of child sexual abuse to be any individual who has experienced sexual abuse in any form as a child at a YMCA owned or operated facility, during a YMCA program or activity, or by a YMCA employee or volunteer. The term 'victim' is sometimes used in conjunction with survivor. |
| The National Council of the YMCAs of Australia | The National Council of the YMCAs of Australia (YMCA Australia) is a federation of chartered and licensed YMCA Associations. |
| YMCA Association | An autonomous organisation which is a chartered member of the National Council of the YMCAs of Australia (YMCA Australia) and which must therefore act in accordance with the National Council's constitution and formal decisions. For the purpose of this document, YMCA Association also refers to any YMCA Association which has ceased operations, been amalgamated or otherwise acquired by another YMCA Association or entity. |
| YMCA Australia National Office | YMCA Australia National Office support the governance and operations of the National Council of the YMCAs of Australia. YMCA Australia National Office includes employees (including contracted staff), volunteers and YMCA Australia Board Directors. |

WHAT IS REDRESS?

The YMCA considers 'redress' to be a remedy that seeks to address a past wrong and which may involve non-monetary and monetary elements. Redress may include but is not limited to actions such as an acknowledgement and recognition of the abuse, an apology, referral to or the provision of services, and the offer of a monetary payment.

Redress provides another alternative pathway for survivors of child sexual abuse to seek a response and a remedy. Redress is a separate process to civil litigation and any monetary payment offered through redress is not equivalent to compensation for damages.

Direct personal response

Many survivors are seeking understanding and compassion, an acknowledgement by the organisation, and an assurance that actions are being taken to prevent abuse occurring again. This may include:

- an offer of an apology and acknowledgement of the abuse (in writing and/or in person);
- an opportunity to meet with a senior representative of the organisation (as directed by the survivor); and
- assurances as to the steps being taken by the organisation towards preventing further abuse.

Counselling and psychological care

Access to counselling and psychological care as often required by survivors is a critical element of redress. The intention of redress is not to replace existing services, but to facilitate improved and expanded access. Importantly, some survivors may require counselling and psychological care on an episodic basis and others may require ongoing services. Survivors should be allowed flexibility and choice in the type, location and provider of counselling services.

Monetary payment

Where the YMCA considers it appropriate a monetary payment may be offered within an agreed framework which includes the determination of a maximum amount.

The YMCA considers monetary payment to signify a tangible recognition on the part of the organisation about the abuse which has occurred. A monetary payment within redress is not intended to be compensation for damages.

Assessment of a monetary payment may take into consideration a range of factors including the severity of abuse, the impact of abuse and distinctive institutional factors. In making this assessment a consistent methodology will be applied by the Redress Panel.

The determination of a monetary payment and how these decisions were reached will be conveyed in a transparent manner. Survivors will be encouraged and provided with an opportunity to seek legal advice prior to the acceptance of any offer of monetary payment.

OUR YMCA REDRESS PRINCIPLES

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| <p>PRINCIPLE 1 Our approach is survivor-focused</p> | <p>We are committed to ensuring that the rights and choices of survivors are respected and supported. This means we will maintain the best interests of survivors as our priority and that survivors will be at the centre of what we do.</p> |
| <p>PRINCIPLE 2 Our approach is transparent, accountable and open to review</p> | <p>We are committed to a structure and process that supports justice and ensures independent decision-making and oversight of what we do. This is important for survivors to have trust and confidence in our process.</p> |
| <p>PRINCIPLE 3 Our approach is nationally consistent</p> | <p>We are committed to ensuring that survivors receive a response that is fair and consistent, regardless of where or when the abuse occurred, and regardless of when a survivor chooses to come forward.</p> |
| <p>PRINCIPLE 4 Our approach is trauma-informed</p> | <p>We are committed to an approach that is underpinned by a clear understanding of the nature and impacts of child sexual abuse and one which recognises the importance of therapeutic and trauma-informed practice.</p> |
| <p>PRINCIPLE 5 Our approach is accessible</p> | <p>We are committed to ensuring our approach to redress is accessible to survivors regardless of their location, circumstance, ability, cultural or language group.</p> |
| <p>PRINCIPLE 6 Our approach is not subject to time limitations</p> | <p>We are committed to ensuring that survivors have the opportunity to access our approach to redress in a manner and at a time at which they feel most comfortable and supported to do so.</p> |
| <p>PRINCIPLE 7 Our approach applies a standard of plausibility and reasonableness</p> | <p>We are committed to ensuring our response to survivors is non-adversarial and minimises the likelihood of re-traumatisation. We will apply a lower burden of proof when assessing survivor claims or allegations.</p> |
| <p>PRINCIPLE 8 Our approach must be sustainable</p> | <p>We are committed to an approach that will underpin the ongoing sustainability of the YMCA for the benefit of survivors and the Australian community into the future.</p> |
| <p>PRINCIPLE 9 Our approach maintains survivors' rights to civil litigation</p> | <p>We are committed to ensuring that in accessing our approach to redress survivors maintain their common law rights.</p> |

OUR APPROACH TO REDRESS: ROLES AND RESPONSIBILITIES

REDRESS PANEL

In alignment with our Redress Principles, independence, transparency and accountability in our decision-making is of paramount importance in our Approach to Redress.

The YMCA will achieve this through the establishment of a Redress Panel comprised of experienced and qualified external experts, representatives of YMCA Australia and of the relevant YMCA Association/s particular to any matter.

The Redress Panel will provide:

- a mechanism through which survivors can seek redress that does not involve a requirement to engage with the YMCA directly (through external member);
- a mechanism by which decisions regarding non-monetary components and monetary payment of redress are made with a level of independence from the YMCA, while ensuring the organisation remains responsible for responding to survivors and engaged with the process of redress; and
- a consistent approach and methodology of assessment and the determination of monetary payments that is informed by external expertise.

YMCA ASSOCIATIONS

While the YMCA is committed to an Approach to Redress that is nationally consistent, we are also committed to ensuring that the authority and responsibility to respond to survivors of child sexual abuse remains with the relevant YMCA Association/s.

YMCA AUSTRALIA

The role of YMCA Australia and the YMCA Australia National Office may differ according to the particular circumstances of each case of redress.

YMCA Australia has a responsibility to respond if an incident or allegation of abuse relates to a YMCA Association which no longer operates and for which there is no current YMCA Association which may respond.

In general circumstances, the role and responsibility of YMCA Australia and the YMCA Australia National Office will be to provide support, advice and assistance to YMCA Associations throughout the redress processes as required and to facilitate and support the function of the Redress Panel.

The particular roles and responsibilities of the Redress Panel, YMCA Associations and YMCA Australia and its National Office are outlined in the relevant policies, procedures and protocols all members of the National Council of the YMCAs of Australia and their entities are required to adhere to.

OUR APPROACH TO REDRESS: POLICIES, PROCEDURES & PROTOCOLS

Responding to Disclosures of Historical Child Sexual Abuse

YMCA Australia has developed policies, procedures and protocols for all YMCA Associations and their entities to provide a consistent and transparent framework for responding to a disclosure of child sexual abuse that may have occurred in a YMCA facility, program or activity, or by a YMCA employee or volunteer. These policies are underpinned by the Redress Principles.

These instruments are designed to provide consistent leading practice and a process which is adopted by all YMCA Associations in alignment with and giving regard to existing policies. These may include, but are not limited to:

- Responding to Allegations of Sexual Assault;
- Critical Incident Management;
- Issues Escalation;
- Child Safe Code of Conduct;
- National Safeguarding Children and Young People Policy; and
- Privacy Policy.

These instruments will be reviewed on annually and amended as required. Any amendments will be communicated to all YMCA Associations.

As of the 2015 AGM of the National Council of the YMCAs of Australia endorsement of the Approach to Redress, all YMCA Associations and their entities are required to adhere to these instruments.

Appendix A

Responding to Disclosures of Historical Child Sexual Abuse

**Policies, Procedures and Protocols endorsed by all members
of the National Council of YMCAs of Australia**

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