



Victorian Registration &
Qualifications Authority

Rabbi Yehoshua Smukler
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COPY

Dear Rabbi Smukler

Re: Complaint against Yeshivah College

I write to you in regard to the outcome of my investigations into a complaint received by the Victorian Registration and Qualifications Authority (VRQA) on 30 April 2014. While the complainant wished to remain anonymous, the nature of the complaint was such that I considered it necessary to undertake an investigation.

The complainant alleged that a Mr David Cyprys had continued, from 16 August 2011 to the present year, to have his employer listed as Yeshivah Centre, 92 Hotham Street Balaclava on his security licence. As you will be aware, Mr Cyprys was convicted in 2013 of sexually abusing nine boys (aged between 7 and 17) during the 1980s and 1990s and is presently incarcerated.

Given the proximity of the Yeshivah Centre (92 Hotham Street, East St Kilda) to your school, Yeshivah College (88 Hotham Street East St Kilda), I sought to establish the College's relationship with the Yeshivah Centre and confirm the College's compliance with the minimum standards, specifically in relation to the College's provision of a safe environment.

As you are aware, registered schools are required to act in accordance with the *Minimum standards and other requirements for school registration*. Specifically, with regard to this investigation, schools are required:

“.. to have policies and procedures to provide students with a safe environment where the risk of harm is minimised and students feel physically and emotionally secure.”

Registered schools are also required to comply with the *Working with Children Act 2005* with regard to the employment of staff and the involvement of self-employed people and volunteers.

To assist me with my investigation, I requested from you:

- details of the governance and operational relationship between Yeshivah College at 88 Hotham Street East St Kilda and the Yeshivah Centre at 92 Hotham Street East St Kilda
- details about the extent of the use of the Yeshivah Centre by Yeshivah College
- the current Student Welfare policy
- the current Mandatory Reporting Policy and Procedures

- details of how the Student Welfare Policy and Mandatory Reporting Policy are applied when students access the Yeshivah Centre
- the current register of staff with a Working with Children Check or VIT registration
- current procedures for maintaining the register
- details of how the College ensures that staff who do not have a Working with Children Check are supervised where they have direct regular contact with children.

The enquiry process

In responding to the allegations I undertook enquires to:

- establish the employment relationship between David Cyprys and the Yeshivah Centre and or Yeshivah College
- validate Yeshivah College's compliance with the *Minimum standards and other requirements for school registration* (the minimum standards) as they relate to Student Welfare, Mandatory Reporting and Working With Children (WWC) checks.

In order to verify the College's policies and procedures as they relate to the allegations above, on 29 May 2014 two authorised officers of the VRQA, attended the College and met with you and senior College staff.

I have now completed my enquiries and I am writing to you to advise you of the outcome.

The employment relationship between David Cyprys and the Yeshivah Centre

In relation to Mr Cyprys, I note that the security licences which formed the basis of the complaint refer to Mr Cyprys being employed by the Yeshivah Centre of 92 Hotham Street Balaclava, and that the licence expiry dates are 6/8/11 and 3/1/14.

On 11 June 2014, my office confirmed with the Licensing Division of Victoria Police that the "employer" field in the Victoria Police Licensing and Registration System is populated by the applicant alone and is not verified by the Licensing Division or by any employer.

Nevertheless, as part of my enquiry, I sought to understand the nature of the "Yeshivah Centre" in the context of the allegations contained in the complaint. I am satisfied that the Yeshivah Centre is the general term used by the Yeshivah Community for all activities occurring in the precinct - the buildings at 88-92 Hotham Street, East St. Kilda. These include the Yeshivah College, an incorporated association, the Chabad Youth Centre, a separate incorporated association, and the synagogue at 92 Hotham Street East St Kilda.

The Yeshivah Centre is not a legal entity and as such is unable to employ anybody. Accordingly, David Cyprys could not have been employed by the Yeshivah Centre.

However, given the way in which the term Yeshivah Centre is used in the community I further sought to identify whether David Cyprys has ever been employed by Yeshivah College.

To this affect, I required the College to undertake a review of its payroll records. The College provided a Statutory Declaration that it had reviewed all payroll records going back to February 1991 and that there was no record of Mr David Cyprys ever having been employed by Yeshivah College.

Records indicated that prior to 2003, David Cyprys had been engaged as a contractor locksmith.

On the evidence available to me, including my understanding of how a security licence application is populated and recorded, I have not substantiated the allegation that Yeshivah College ever directly employed David Cyprys as a security officer.

Compliance with the Minimum standards and other requirements for school registration

Given the nature of the complaint as it relates to Student Welfare, Mandatory Reporting and WWC checks, I considered it appropriate for the VRQA to review the College's policies and procedures in these areas. When VRQA officers attended the College on 29 May 2014, the College provided detailed documentation of school policies and practices in relation to Child protection. These included:

- all relevant school policies including Child First and Student management
- comprehensive descriptions of the student and community educational actions taken in the areas of Child protection and Safety behaviours
- WWC register and monitoring processes.

The WWC register for the Chabad Youth Centre is maintained in the same way that the College's WWC register is maintained. VRQA officers sighted the College's employment contracts and registers for teaching and non-teaching staff. Accordingly I am satisfied that the College has appropriate and effective policies and practices for ensuring that all adults who may come in contact with children in the College have either Victorian Institute of Teaching registration or a current Working With Children Check.

My officers also verified the level of security applied within and on the perimeter of the College to further protect College students.

Independent Verification

To validate further the College's compliance with the minimum standards, an officer of the VRQA contacted a representative from Child Protection in the DHS and the Victoria Police SANO Taskforce officer to:

- verify their involvement with the College in child protection matters
- validate the description of the College's implementation of its policies and procedures

Both the representative from Child Protection in the DHS and the Victoria Police SANO Taskforce officer endorsed your leadership and professionalism in the context of child protection at Yeshivah College. The representative from Child Protection found that the College liaises well and is responsive to approaches by DHS.

The senior SANO Taskforce officer contacted by the VRQA indicated that officers have visited the school to view the schools policies, procedures and educational initiatives in the area of child protection and have found them to be appropriate. He found you and the College to be excellent to deal with in such matters and has found that the College has been transparent in directly addressing past issues of abuse with the school community.

As a result of my enquiries I am satisfied that Yeshivah College has policies and procedures in place, which meet the minimum standards in the areas of Student Welfare, Mandatory Reporting and Working With Children. I am also satisfied that the College implements these consistently with legislation and the minimum standards.

Conclusion

As a result of my enquiries I am satisfied that Yeshivah College, a registered school under the Act, is compliant with the minimum standards relating to Student Welfare, Mandatory Reporting and Working With Children checks.

I am satisfied that the College has extensive education processes in place to ensure the safety of all children within its responsibility. I am also satisfied that the current leadership of the school has explicitly acknowledged sexual abuse issues of the past and continues to work with the whole school community to strengthen child protection in the school community.

I am also satisfied that the College works actively and professionally with the Department of Human Services and Victoria Police in the interests of child protection in the College community.

Finally, thank you and your school community for your cooperation with the VRQA in the investigation of this matter.

Should you have any questions regarding this, please do not hesitate to contact Mr John Mildren, Manager Complaints and Student Services on 9032 1554 or at mildren.john.j@edumail.vic.gov.au.

Yours sincerely



LYNN GLOVER

Director, VRQA

10 July 2014