

**File note****Meeting at Yeshivah College, 88 Hotham Street, St Kilda East****Thursday 29 May 2014**

Present: Yeshivah Centre: Rabbi Yehoshua Smukler (Principal, Yeshivah College and Beth Rivkah Ladies College), Josh Wonder (Manager of Finance and Administration, Yeshivah Centre), Ursula (Payroll Manager, Yeshivah Centre)

VRQA: John Mildren, Geoff Pile (Authorised officers)

Meeting opened at 3:00pm.

**Introduction and context**

John Mildren introduced himself and Geoff Pile as Authorised Officers of the VRQA. Both produced their Authorised Officer cards.

John Mildren set the context for the meeting. He said that the VRQA had had a number of communications regarding Yeshivah College with a member of the public who wished to remain anonymous. John said that he had not approached the College for information previously as the person's communication had related to police matters and historical events which took place prior to the commencement of the *Education and Training Reform Act 2006* and the establishment of the VRQA. The VRQA does not act retrospectively.

John said that the latest correspondence from the same person had raised new allegations relating to recent action and that the VRQA had determined to follow this up with the College. He said this was in the interests of all parties.

John distributed a copy of the extract of Licence Details for Mr David Cyprys, showing that Mr Cyprys was employed in 2011 by the Yeshivah Centre, 92 Hotham Street East St Kilda, and used to support allegations that Mr Cyprys was employed by the Yeshivah Centre in 2011.

John said that the purpose of the visit was to clarify what the school is and what the Yeshivah Centre is, what the physical nature of Nos. 88 and 92 Hotham Street is and what that means in terms of student welfare and duty of care.

**Structure and location of Yeshivah Centre and Yeshivah and Beth Rivkah Colleges Inc.**

Rabbi Smukler confirmed that he is the Principal of both Yeshivah College and Beth Rivkah Ladies College.

Geoff Pile reminded the school that they are obliged to notify the VRQA within 30 days of a change of particulars. Rabbi Smukler stated that Mr Samuel Guriewicz had retired as Principal of Beth Rivkah Ladies College at the end of 2012. Geoff advised the school that he would amend the State Register accordingly.

Rabbi Smukler provided a site map of the school precinct.

Josh Wonder stated that Yeshivah Centre is not a legal entity but an historical name and that the Centre incorporates all activities of the community. It is about to celebrate its 60<sup>th</sup> anniversary.

Josh stated that the schools' legal entity is the Yeshivah and Beth Rivkah Colleges Inc, an incorporated association and that its committee of management operates in accordance with its rules of association, meeting once per month and with an Annual General Meeting held.

He said that the Yeshivah Centre is the name for the community and that it cannot employ anyone.

Rabbi Smukler said that the Centre had no one physical location but incorporated the Yeshivah synagogue, a youth centre, kindergartens and Chabad houses.

Josh Wonder that 88 and 92 Hotham Street are both part of one big property. He said that over time, some separate land titles have merged and some have not. The landholding entity is Chabad Properties which leases the site to the school.

He said that Chabad Institutions, a youth organisation with no direct relationship with the school, has a building on the site and has its own employees. The school uses part of the building during the day.

### **Child Protection and security at the school**

John Mildren asked if and how school students would come in contact with Chabad Institutions people during school hours.

Rabbi Smukler stated that Chabad Institutions activities take place out of school hours, on school holidays and on weekends. He said that Chabad Institutions only employ people who have Working with Children Checks and that these are managed on the school's WWCC register. He said that Chabad Institutions have been accredited by ACCYO (Australian Council for Children and Youth Organisations, now **Australian Childhood Foundation**) Safeguarding Children Foundation.

A Certificate of Accreditation by the Australian Childhood Foundation awarded to **Chabad Youth**, dated 11 April 2014, recognising Chabad Youth as successfully meeting the Safeguarding Children standards and committing itself as an organisation to the protection of children, was provided.

Rabbi Smukler said that the entry to the Chabad Institutions building was controlled both by the school security and by the building's reception staff.

Josh Wonder undertook to email copies of the staff contracts (both teaching and non-teaching staff).

Ursula stated that she creates a monthly report to monitor the expiry date of Working with Children Checks for every employee and volunteer.

Rabbi Smukler provided a copy of the Procedures for maintaining the Register of WWCC card and VIT registration, as well as a staff report dated 29/5/2014.

Rabbi Smukler said that no person who has applied but not yet received a Working with Children card has access to children until they can produce the card. He said that reference checks explicitly ask about untoward behaviour.

John Mildren asked about the school's Student welfare policy and how it addressed sexual abuse between children.

Rabbi Smukler stated that each campus of the school has a welfare team who are highly trained in detection and are in contact with the police and local authorities. The school is the community liaison for child abuse with connections to and working relationships with DHS, SECASA (South Eastern Centre for Assault and Sexual Abuse), the Jewish Taskforce Against Family Violence, Victoria Police and Jewish Care.

He said any instance of inappropriate behaviour including age related inappropriate sexual behaviour is picked up and acted on by the school. He said that there is a heightened sensitivity to inappropriate sexualised behaviour and said that the school reported to Britt Pencharz, Manager Investigative Unit, Cheltenham DHS.

He spoke of the holistic approach to child protection which was available to the school community and referred to the Jewish Taskforce Against Family Violence and the school's Child First-Child Protection Policy.

He provided documentation outlining recent events and communication with parents relating to child safety.

He also provided documentation relating to the Yeshivah Centre's response to the Victorian Government Inquiry into Handling of Child Abuse by Religious and Other Non-Government Organisations. This included a list of communication items to the community regarding child abuse between June 2011 and November 2013.

He also provided copies of the Child First-Child Protection Policy and the Yeshivah College Student Management Policy.

Rabbi Smukler said that Dr Joe Tucci, CEO of Australian Childhood Foundation had facilitated discussion and workshops with the school's parent body. School staff undergo child protection training and are in-serviced every year. He said that communication within the school team and support is vital with quick communication triggering a quick response.

He said that the school keeps a file on every report ever made.

Rabbi Smukler said that DHS will make contact with the school when necessary. The school will then check records. There are weekly welfare checks on students.

Police will call the Welfare officer on campus when they wish to interview a student.

Other Jewish schools make contact with the school for advice.

He said that the school had a Staff Agreement which covered Child Protection, Conduct and Behavioural Standards. Prohibited behaviours include grooming of children and being alone with any children where they cannot be observed by other adults. The Staff Agreement also includes mandatory participation in Child Protection workshops and ensuring staff are up to date with and agreeing to abide by the Child First-Child Protection Policy.

Rabbi Smukler undertook to provide a copy of the Staff Agreement.

### **Past allegations**

Rabbi Smukler stated that there had been past allegations against staff members. As an example, he cited an incident in 2012 when a teaching assistant in the junior years was reported by the Head of Pre-School to be acting inappropriately with a student.

He said that the school operated on the instructions of the police. An extra staff member was placed in the class room. Both the police and DHS were heavily involved. Police interviewed the student as well as the staff member's own children. The staff member was placed on leave without pay.

The school hired Ms Pauline Ryan, a forensic psychologist who carried out a five-point diagnostic test of the child. She determined that it was likely that the incident had happened. The teaching assistant's contract was cancelled, following legal advice. There was extensive counselling with the child and the child's family. The Working with Children Authority was informed.

Rabbi Smukler also spoke of an allegation against a staff member relating to an incident 38 years previously. The SANO task force supervised the collection of the staff member's belongings. The staff member left the school. The case was dismissed and the staff member retains the Working with Children card.

Rabbi Smukler provided copies of communication with parents regarding past allegations.

## D Cyprys

Rabbi Smukler said that David Cyprys had been employed as a locksmith and private security contractor and had also worked in synagogues. Rabbi Smukler said that the organisation had stopped using Mr Cyprys over a decade ago. Mr Cyprys had never been on payroll and had only worked as a contractor. Rabbi Smukler thought that Mr Cyprys had last been employed in 2003, and undertook to confirm this to the VRQA.

Rabbi Smukler said that David Cyprys had a child at the school until 2011 when allegations against Mr Cyprys were first made. He said that the parents were divorced with the mother having custody but with no access restrictions.

Rabbi Smukler said that when the allegations were made, the school restricted Mr Cyprys from being on the school campus. He provided a copy of a letter (unsigned) dated 18 July 2011 from Rabbi Z. Telsner to Shmuel Dovid Cyprys stating that Mr Cyprys was no longer authorised to attend any Yeshivah Centre premises or to make any contact with any Yeshivah Beth Rivkah Colleges students in any form.

Rabbi Smukler pointed out that this letter predated the Licence Details used to support allegations that Mr Cyprys was employed by the Yeshivah Centre in 2011.

When questioned, Rabbi Smukler said that he believed that no scanned signed copy of the letter existed. He undertook to investigate this further.

Rabbi Smukler said that the police did not support the letter being provided to Mr Cyprys.

Rabbi Smukler also provided a statutory declaration signed by Joshua Wonder, Finance Manager and witnessed by a CPA stating that at no stage since February 1991 has Mr David Cyprys been an employee of the College, according to its payroll records.

Rabbi Smukler provided copies of communication with parents regarding charges laid against Mr Cyprys.

Rabbi Smukler and Josh Wonder said that all contractors were obliged to have current Working with Children Checks and, in addition, were always accompanied by a staff member when on site.

Rabbi Smukler said that an agreement was in place between Chabad Youth and the school.

Following the meeting, Rabbi Smukler accompanied John Mildren and Geoff Pile on a tour of the school.

The visit to the school concluded at 5:00pm.

On Friday 30 May, Josh Wonder provided copies by email of:

- A sample Offer of employment for teaching staff
- A sample Offer of employment for non-teaching staff
- A staff agreement (Draft 23/1/14)

Geoff Pile

4 June 2014