

# SAFEGUARDING RESPONDING TO CHILD ABUSE REPORTS AND ALLEGATIONS POLICY



## **Purpose**

YMCA North (referred to throughout this document as “the Y” or “YMCA”) is committed to protecting the children and young people to whom it delivers a service. Accordingly, we have developed this policy on how to respond to child abuse reports and allegations as a guide to all our people 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. YMCA is committed to equity and diversity and respecting the rights of all children to participate in decision making including those of Māori and Pacific Islander descent, children with disability, children from culturally and linguistically diverse backgrounds, children regardless of their gender identity and those children unable to live at home.

## **Application**

This policy applies to all staff including contractors and volunteers. No one within our organisation is exempt from meeting the standards and requirements set out in this policy.

## **Background/Introduction**

We take seriously our responsibility to deliver a service environment that is caring, nurturing and safe. Our board of directors and senior leaders are committed to ensuring the safety of all children and young people to whom we provide services or who participate in our programmes. As part of that commitment YMCA has zero tolerance towards child abuse. We take seriously our responsibility to deliver services in caring, nurturing and safe environments. All young people have the right to develop physically, intellectually, and socially in a safe environment, free from any form of abuse or neglect. Their welfare, interests and safety are paramount.

## **Policy**

Whilst also being a stand-alone policy document, this Safeguarding Responding to Child Abuse Reports and Allegations Policy, is a sub policy of YMCA’s Safeguarding Children and Young People Policy and interpretations should be in conjunction with this overarching policy.

Our staff are required to report any instance of abuse or neglect (cases in which a child or young person has suffered, or is likely to suffer, significant harm from abuse or neglect) immediately, or if that is not possible, no later than before ending that person’s shift or session of work within our organisation. If a child or young person is at imminent risk of harm or in immediate danger, our staff are required to report the situation directly to the NZ Police by dialing 111.

## **Consequences of breaching policy**

If 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.

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
- making deliberately false, misleading, or vexatious allegations

Our staff are obliged to raise any concerns they might have in relation to:

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- our organisational policies designed to safeguard children and young people – such as outlined in our Safeguarding Code of Conduct and 'Responding to Child Abuse Reports 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.

## **Reporting of concerns or allegations regarding abuse or neglect by family or other external sources**

YMCA requires all its staff to report any instance of child abuse or neglect that has resulted in, or is likely to result in, significant harm to a child or young person, to either:

- YMCA's Safeguarding Manager, who will ensure that the incident is reported to New Zealand Police 111 and/or Oranga Tamariki 0508 FAMILY, immediately (i.e. before the end of the person's shift / session of work).
- Directly to New Zealand Police (dialling 111) and/or Oranga Tamariki (0508 FAMILY), immediately (i.e. before the end of the person's shift / session of work).
- If the Safeguarding Manager is unavailable (or they are the subject of the complaint), our staff are required to report the matter to the GM People and Culture

We ask that our staff also inform our Safeguarding Manager of any report they make to those authorities, to enable our organisation to best provide support to the child or young person, their family and our staff, where appropriate.

All our personnel retain the right to report directly to relevant authorities, such as police or child protection, any concerns they may have in relation to the safety and welfare of a child or young person, regardless of whether they have also reported that matter internally.

## **ALL STAFF HAVE A MANDATORY REQUIREMENT TO REPORT ALL SUSPECTED AND/OR KNOWN SAFEGUARDING CONCERNS**

Mandatory reporting obligations relate to all aspects of suspected or known abuse being identified. This includes, but is not exclusive to, whether concerns are in the context of the child or young person's family/home environment, in places/organisations outside of the family or YMCA, or specifically via the course of their involvement with YMCA. Reporting also relates to suspected abuse by a YMCA staff member, any other professional, any other adult, or through peer-to-peer interactions.

In taking a report of concern, or of an incident, from others within our organisation 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.

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 YMCA's Safeguarding Incident Form
- record on the Safeguarding Incident Form what was said (where possible, noting the exact words used by the person making the allegation)
- date and sign the record

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- explain to the child (if present) that other people may need to be told, in order to stop what is happening
- provide reassurance that YMCA will take immediate action in response to the allegation.
- Report the matter as per organisational policy requirements (as stated earlier), which are to:
  - YMCA Safeguarding Manager, who will ensure that the incident is reported to New Zealand Police 111 and/or Oranga Tamariki 0508 FAMILY, immediately (i.e. before the end of the person's shift / session of work).
  - If Safeguarding Manager is unavailable (or they are the subject of the complaint), our staff are required to report the matter to the GM People & Culture.
  - Or directly to NZ Police (dialing 111) and/or Oranga Tamariki (0508 FAMILY), immediately (i.e. before the end of the person's shift / session of work)

## **Additional requirements where concerns or allegations of abuse or neglect involve our employees, contractors, or volunteers.**

All staff must report, immediately, to their Centre Manager or Group Manager any breach of the Safeguarding Code of Conduct arising from an action by an employee, contractor or volunteer within our organisation.

In response to any instance of 'serious' breaches which relate to abuse or neglect ('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) our Safeguarding Manager 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 and in consultation with Police and other authorities.

If a 'serious' allegation has been made against a staff member of our organisation, our Safeguarding Manager will:

- complete a 'Safeguarding Incident Form' form to ensure all relevant details are documented
- cooperate with the Police and other authorities and assist in their investigation of the allegation
- take any action necessary to safeguard the child or young person (or other children or young people in our care) from additional harm through options such as:
  - redeploying that staff member to a position where they do not work with children
  - ensuring additional supervision of that staff member
  - removing/suspending that staff member from duty until the validity of the allegations is determined
- assist in addressing the support needs of those impacted by the allegation including considerations of cultural safety for:
  - the child and their family (this includes any specific support needs for those from Māori; Culturally and Linguistically Diverse; or person with a disability background)
  - the person against whom the complaint is made by, for example, offering professional counselling
  - other staff impacted by the allegations
- make clear to all other staff who are aware of the allegation that:
  - the allegation does not mean the person is guilty, and that the allegation will be properly investigated and will include the right to 'procedural fairness'
  - they are not to discuss the matter with any person, except as directed by police, child protection authorities and/or our Safeguarding Manager and only in direct relation to investigation of the allegation.

All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or young person arising from an action by an employee, contractor or volunteer within our organisation will be investigated and will be the subject of a critical incident review.

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## Reporting To Australian Childhood Foundation (ACF)

In accordance with the requirements of the Safeguarding Children Programme., the Safeguarding Manager will inform Australian Childhood Foundation of:

- All critical incidents verbally to ACF within 24 hours of the incident; and
- Any allegations of child abuse or neglect to ACF that involve our staff within 28 days of the incident.

## Confidentiality and privacy

YMCA 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.

## Documentation

As part of our policy for responding to reports or allegations of child abuse, our Safeguarding Incident Form, must be used by any of our people to document any allegation, disclosure, incident or concern regarding child abuse. In situations where our staff become aware of abuse whether through observation of potential indicators, such as bruises or cuts, or by directly observing potentially abusive behaviour towards a child or young person, they are required to use our Safeguarding Incident Form to record their observations and concerns as accurately as possible.

Our Safeguarding Manager will oversee creation of a file to contain the completed Safeguarding Incident Form and any other documentation relating to the allegation and subsequent action. To prevent access by unauthorised persons, YMCA 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)

We maintain and regularly monitor records of child abuse reports as part of our Incident Management processes to ensure that they are responded to effectively in accordance with this policy and that requirements for reporting to external authorities are complied with. These records will inform reviews of the policy as detailed below in policy amendments.

## Communication

We communicate our Safeguarding Children and Young People Policy requirements to all our staff involved with children and young people in our organisation. We communicate any significant alterations to our Safeguarding Children and Young People Policy requirements and resources to all staff.

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## Definitions

<b>Bullying</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• Verbal (name calling, put downs, threats);</li> <li>• Physical (hitting, punching, kicking, scratching, tripping, spitting);</li> <li>• Social (ignoring, excluding, ostracising, alienating); and/or</li> <li>• Psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions).</li> </ul>
<b>Child or young person</b>	A person under the age of eighteen years.
<b>Emotional or psychological abuse</b>	<p>Emotional or psychological abuse occurs when a child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a child. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviors continue to an extent that results in significant damage to the child’s physical, intellectual or emotional wellbeing and development.</p>
<b>Family Violence</b>	<p>Family violence occurs when children are forced to live with violence between adults in their home. It is harmful to children. It can include witnessing violence or the consequences of violence. 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.</p>
<b>Grooming</b>	<p>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 other technological channels.</p>

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<b>Harm</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• physical, psychological or emotional abuse or neglect;</li> <li>• sexual abuse or exploitation;</li> <li>• a single act, omission or circumstance; and</li> <li>• a series or combination of acts, omissions or circumstances.</li> </ul>
<b>Neglect</b>	<p>Neglect is the persistent failure or deliberate denial to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the child’s health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.</p>
<b>Personnel</b>	<p>All staff and volunteers who work for the organisation whether in a paid or unpaid capacity.</p>
<b>Physical abuse</b>	<p>Physical abuse occurs when a person subjects a child 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 behavior includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful over training, and kicking. It also includes giving children harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child at risk of being hurt.</p>
<b>Sexual abuse</b>	<p>Sexual abuse occurs when an adult or a person of authority (e.g. older) involves a child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child’s genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse.</p>
<b>Family Violence</b>	<p>It may be a single act of violence, or a number of acts that form a pattern of abuse. It covers the range of abuse types – it can be physical, emotional and sexual – and victims suffer in all these ways. Family violence includes yelling and hitting, as well as threatening to harm people, pets or property</p>

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**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.

## Responsibilities

Position	Responsibility
<b>Chief Executive Officer (CEO)</b>	<ul style="list-style-type: none"><li>• Implement policies and procedures across the organisation</li><li>• Ensure personnel have access to and understand this policy and related procedures</li><li>• Ensure all managers/supervisors have access to support and advice to understand and implement policies and procedures</li></ul>
<b>Safeguarding/ HR</b>	<ul style="list-style-type: none"><li>• Review and update this document and supporting resources in consultation with relevant stakeholders</li><li>• Support the coordination of the SCYP framework and implementation</li><li>• Provide training and advice in the application of policies and procedures</li></ul>
<b>Managers / Supervisors</b>	<ul style="list-style-type: none"><li>• Ensure policies and procedures are followed and implemented</li></ul>
<b>Employees / Volunteers</b>	<ul style="list-style-type: none"><li>• Compliance with policy and procedure.</li></ul>

## Key relevant policies and legislation, documents

- YMCA North Safeguarding Children and Young People Policy
- YMCA North Safeguarding Code of Conduct Policy
- YMCA North Safeguarding Incident Management Policy
- YMCA North Safeguarding Concerns Reporting Process Flowcharts
- Children's Act 2014
- Privacy Act 2020 Legislation

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## Policy amendments

YMCA is entitled to amend and vary this policy from time to time at YMCA's sole discretion and all employees are required to observe such amended policy.

<b>Creation date:</b> Dec 2020	<b>Date reviewed:</b> Dec 2024	<b>Next review date:</b> Feb 2024 <i>Note – the default frequency is every 2 years unless otherwise required</i>
<b>Owner:</b> Safeguarding	<b>Approved by:</b> Julian Baldey, CEO and Chair of Safeguarding Governance Group   <b>Signed:</b>  <b>Date:</b> December 2022	
<b>Document control:</b> Original signed document is approved. No unauthorised copies. Reviews of this policy will include input from the Safeguarding Governance Group		

## Tracking changes

	Reviewed by who and when	What was changed	Version #
<b>Written</b>	Safeguarding, Dec 2020	Policy created	1
<b>Amendments</b>	Safeguarding Manager, Dec 2022	Biennial review, along with amendments to reflect new branding  Simplification of language and removal of individual names to positions  Reference added to being sub policy of main Safeguarding Children and Young People Policy	2