



# SAFEGUARDING CHILDREN & YOUNG PEOPLE – CHILD PROTECTION REPORTING PROCEDURE

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<b>VERSION CONTROL</b>			
<b>Version</b>	<b>Description of Revision</b>	<b>Date Effective</b>	<b>Owner</b>
v1.0	First Release		EM P&C
v2.0	Review	20/04/2017	EM P&C
v3.0	Review with minor changes including the requirement to report instances of when a child or young person may have been mistreated and when there are emerging concerns.	25/06/2018	EM P&C
v4.0	Review with minor changes including: <ul style="list-style-type: none"> <li>• The child or YP's voice will be respected and listened to</li> <li>• New reference to National Framework for Protecting Australia's Children 2009-2020 and</li> <li>• Addition of definition of YMCA People</li> <li>• All complaints and concerns including breaches will be recorded and analysed</li> <li>• Rewording for clarification purposes.</li> </ul>	17/09/2019	EM P&C
v5.0	Review: <ul style="list-style-type: none"> <li>• 6.2 Step 2 – inclusion of requirement to complete a Child and Young Person Abuse Incident Report Form.</li> <li>• Renamed Safeguarding Children &amp; Young People – Child Protection Reporting Procedure.</li> </ul>	29/01/2020	EM P&C
V5.1	Inclusion of delivering services online to point 6.1.1, Step 1.	20/04/2020	EM P&C

v5.2	Inclusion of SCYP Practice Behaviour Guidelines under 6.2 serious breaches.  Inclusion of contact details for the CPO, Deputy CPO and emergency services under the Definition of Terms.	10/06/2020	EM P&C
V6.0	Inclusion of mandatory reporting for teachers.	7/07/2020	EM P&C
V7.0	Updated to reference the online Nintex Safeguarding & Child Protection Form.	8/12/2020	EM P&C
V8.0	Updated to include the types of incidents that relate to safeguarding.	10/03/2021	EM P&C
V8.1	Section 7 updated to include reference to Safeguarding Children and Young People Licensing Standards	29/09/2021	EM P&C
V8.2	Retention period amended from 3 years to 2 years to comply to Vocational School regulations.	03/03/2022	EM P&C
V8.3	Updated CPO details	31/08/2022	EM P&C
V8.4	Updated to include reference to the Reportable Conduct Scheme (WA)	20/12/2022	EM P&C
V8.5	Contacts reviewed and changed in relation to the Department of Communities, Child Protection and Family Support	01/08/2023	EM P&C
V8.6	Section on Mandatory Reporters updated to include staged implementation of Mandatory Reporters  Procedure updated to clarify roles and responsibilities around reporting and managing risk	27/02/2024	EM P&C

V8.7	Updated to include reference to Folio Incident Management System changes and other minor clarifications	23/04/2025	EM P&C
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## 1.0 PURPOSE

Y WA People are in daily and regular contact with children and young people and their families, so may be well placed to observe when a child or young person appears to be at risk of harm.

It is the responsibility of all Y WA People, under our legal obligations and duty of care in respect to Safeguarding Children and Young People, to report to the relevant or appropriate authorities any concerns or incidents in relation to identified or suspected abuse or neglect of children or young people to whom we provide a service.

Y WA People must respect and listen to the voices of children and young people and ensure their views, opinions and concerns are dealt with in accordance with Y WA’s culture and reporting principles.

## 2.0 SCOPE

This procedure applies to all Y WA People.

## 3.0 DEFINITION OF TERMS

Term	Definition
<b>Y People</b>	Staff (including Teachers), volunteers, Family Daycare, ELC and In-home Care educators, contractors, Board Directors and student placements.
<b>YMCA WA Child Protection Officer or Deputy Child Protection Officer</b>	<p>The Child Protection Officer is the Executive Manager People &amp; Culture.</p> <p>Allison Ross - Child Protection Officer            Mobile: 0499 868 101            Email: <a href="mailto:allison.ross@ymcawa.org.au">allison.ross@ymcawa.org.au</a></p> <p>In an event of any emergency, call emergency services on 000. 000 is the emergency phone number in Australia for police, fire fighters or ambulance. Contact emergency services if there are any concerns about immediate safety or where criminal acts have occurred. At the earliest convenience, phone your line manager to provide support with incident management. Notify the Executive Manager by phone of the high risk incident after it is under control.</p>

Term	Definition
<p><b>Employee Assistance Program PeopleSense</b></p>	<p>Being in a situation that involves a mandatory report or a report to the Department of Communities can be complex. Remember to look after yourself and be mindful of any vicarious trauma impacts reporting may have on your own wellbeing.</p> <p>The Y WA's Employee Assistance Program, People Sense 1300 307 912 <a href="http://www.peoplesense.com.au">www.peoplesense.com.au</a> can be contacted for confidential briefing and support following an incident.</p> <p>You can also schedule appointments, manage bookings and register directly via this link: <a href="http://www.peoplesense.au/T6T-4NK">www.peoplesense.au/T6T-4NK</a></p>
<p><b>Grooming</b></p>	<p>Grooming (including via the internet) which refers to actions deliberately taken by a perpetrator with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual abuse of the child.</p> <p>A perpetrator may also groom a child's family or community to build trust and gain access to the child with the aim to then initiate, maintain and conceal sexual abuse.</p>
<p><b>Child</b></p>	<p>In the <i>Children and Community Services Act 2004</i>, a child is defined as a person 'under 18 years of age, and in the absence of positive evidence of age, means a person apparently under 18 years of age'.</p>
<p><b>Child Sexual Abuse</b></p>	<p>Under the mandatory reporting laws in section 124A of the <i>Children and Community Services Act 2004</i>: "sexual abuse, in relation to a child, includes sexual behaviours that have occurred in circumstances where:</p> <ul style="list-style-type: none"> <li>a) The child is the subject or bribery, coercion, a threat, exploitation or violence; or</li> <li>b) The child has less power than another person involved in the behaviour; or</li> </ul> <p>There is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour".</p>

Term	Definition
<p><b>Mandatory Reporting</b></p>	<p>Mandatory Reporters must report a belief, based on reasonable grounds, that a child has been or is continuing to be sexually abused to the Department of Communities – Child Protection and Family Support by lodging a written mandatory report with the Department.</p> <p>At the Y WA, Mandatory Reporters, currently includes those working in the following roles:            Teachers            Principals            Early Childhood Teachers            School counsellor            Psychologist            Early childhood worker</p> <p>If you are a mandatory reporter, you can lodge a report through the following link - <a href="#">Department of Communities - Child Protection and Family Support's Mandatory Reporting Service.</a></p>
<p><b>Reportable Conduct</b></p>	<p>The Reportable Conduct Scheme WA (the Scheme) compels the YMCA WA to notify, investigate and report allegations of child abuse by our employees, volunteers, contractors and family daycare educators and assistants aged 18 years or over to the Ombudsman. The Ombudsman will monitor, oversee and review these investigations. The Ombudsman may also at any time investigate matters itself. Reportable Conduct includes:</p> <ul style="list-style-type: none"> <li>• sexual offences (against, with or in the presence of, a child)</li> <li>• sexual misconduct (against, with or in the presence of, a child)</li> <li>• physical assault including actual physical force or threat of physical force (against, with or in the presence of, a child)</li> <li>• significant neglect of a child; and</li> <li>• any behaviour that causes significant emotional or psychological harm to a child.</li> </ul>

## 4.0 ROLES AND RESPONSIBILITIES

Role Title	Responsibilities
Y WA Board	<ul style="list-style-type: none"> <li>Oversee Safeguarding culture</li> <li>Ensure that safeguarding (including risks) is an Agenda item and receive reports from relevant Committee(s)</li> </ul>
CEO	<ul style="list-style-type: none"> <li>Embed and resource Safeguarding culture</li> <li>Ensure Board is kept apprised of relevant incidents.</li> </ul>
Executive Manager	<ul style="list-style-type: none"> <li>Implement policies and procedures and embed safeguarding practices and reporting as part of organisational culture</li> <li>Ensure Y WA People have access to and understand relevant policy and related procedures</li> <li>Ensure all managers and supervisors understand their Safeguarding responsibilities and have access to support and advice to implement policies and procedures..</li> <li>Ensure staff use relevant procedures within their day-to-day work</li> </ul>
Child Protection Officer / and Deputy	<ul style="list-style-type: none"> <li>Report to CEO and relevant Board Committees in relation to Safeguarding incidents and Mandatory reports.</li> <li>Provide support and guidance to staff / Managers and Executive in relation to reporting and general Safeguarding matters.</li> <li>Review and update Safeguarding documents and supporting resources in consultation with relevant stakeholders.</li> <li>Support the coordination of the Safeguarding framework and implementation.</li> <li>Ensure training and advice in the application of policies and procedures is available to be utilised.</li> </ul>
Managers / Supervisors (including School Principal)	<ul style="list-style-type: none"> <li>Ensure policies and procedures are followed and implemented.</li> <li>Ensure staff are familiar with their responsibilities.</li> <li>Support staff in relation to filing required reports.</li> <li>Implement actions to manage risks and prevent future re-occurrences.</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure that appropriate external and internal reporting occurs.</li> <li>• Coordinate with stakeholders (internal and external) to manage safeguarding risks, including where it is known that a child is involved in more than one Y WA Program.</li> </ul>
All Y WA People	<ul style="list-style-type: none"> <li>• Comply with Safeguarding Practices including any requirement to Mandatory Report or report Reportable Conduct</li> </ul>

## 5.0 STEPS

Y WA People are required to report **immediately** to the person in charge or a senior staff member, any instance or suspected instance of abuse or neglect (cases in which a child or young person has suffered, or is likely to suffer, harm from abuse or neglect). Immediately means straight away or no later than before the end of their shift or session of work at the Y WA.

It is important to note that should the child or young person be at imminent risk of harm Y WA People must contact the police immediately.

The definitions of abuse and neglect can be found in the Safeguarding Children and Young People Policy.

### **Safeguarding incidents may include, but are not limited to:**

- Suspicion allegation or disclosure of abuse or neglect of child/young person
- Serious breach of confidentiality or code of conduct that may put a child/young person at risk
- Suspicion or disclosure of potential or actual harm (including non-suicidal self injury or suicidal ideation)
- An allegation or disclosure of abuse or criminal matters involving a Y staff member, Family Day Care Educators or Assistant, Volunteer, or contractor
- A concern, complaint or feedback that alleges the well-being of a child/young person is at risk
- An episode of severe or challenging behaviour inconsistent with development (e.g. violence, sexualised behaviour)

The Safeguarding Team receives notifications of Serious breach of duty of care (e.g. supervision incident/missing child or young person, child/young locked in or out of service) and Child or Young Person unlawfully taken incidents recorded on Child / Young Person H&S Incident report forms.

If you are unsure if an incident requires a Safeguarding Report or a Child / Young Person H&S Incident Report, please consult with your manager or Child Protection Officer.

## **5.1 REPORTING PROCEDURES FOR ALLEGED ABUSE OF A CHILD OR YOUNG PERSON AT HOME OR OTHER PLACE**

Y WA People are required to work with their direct supervisor or manager during the consultation process to bring together all necessary information to determine if on reasonable grounds a formal report in relation to abuse or suspected abuse should be made.

Y WA People will be given time to make the report to the Department of Communities - Child Protection and Family Support (the Department / CPFS). All documentation used during this reporting process will be filed and stored in a confidential manner. This documentation is not to be given to any other party unless specified by the Children and Community Services Act 2004.

### **5.1.1 PROCESS IN ACCORDANCE WITH CHILDREN & COMMUNITY SERVICES ACT 2004**

The Department of Communities will decide what response would be in the best interest of the parties involved. The Safeguarding and Child Protection Report Form should be lodged with the YMCA WA Child Protection Officer through the online forms portal.

#### **STEP 1- Consult**

If a Y WA Person is working at a service or program or delivering services online is concerned that a child or young person may have been, has been, or is being, maltreated they should advise the person in charge or a senior staff member immediately, who will notify the manager.

#### **STEP 2- Record**

A record of observations and any statements made by the child or young person should be kept. Record details such as -

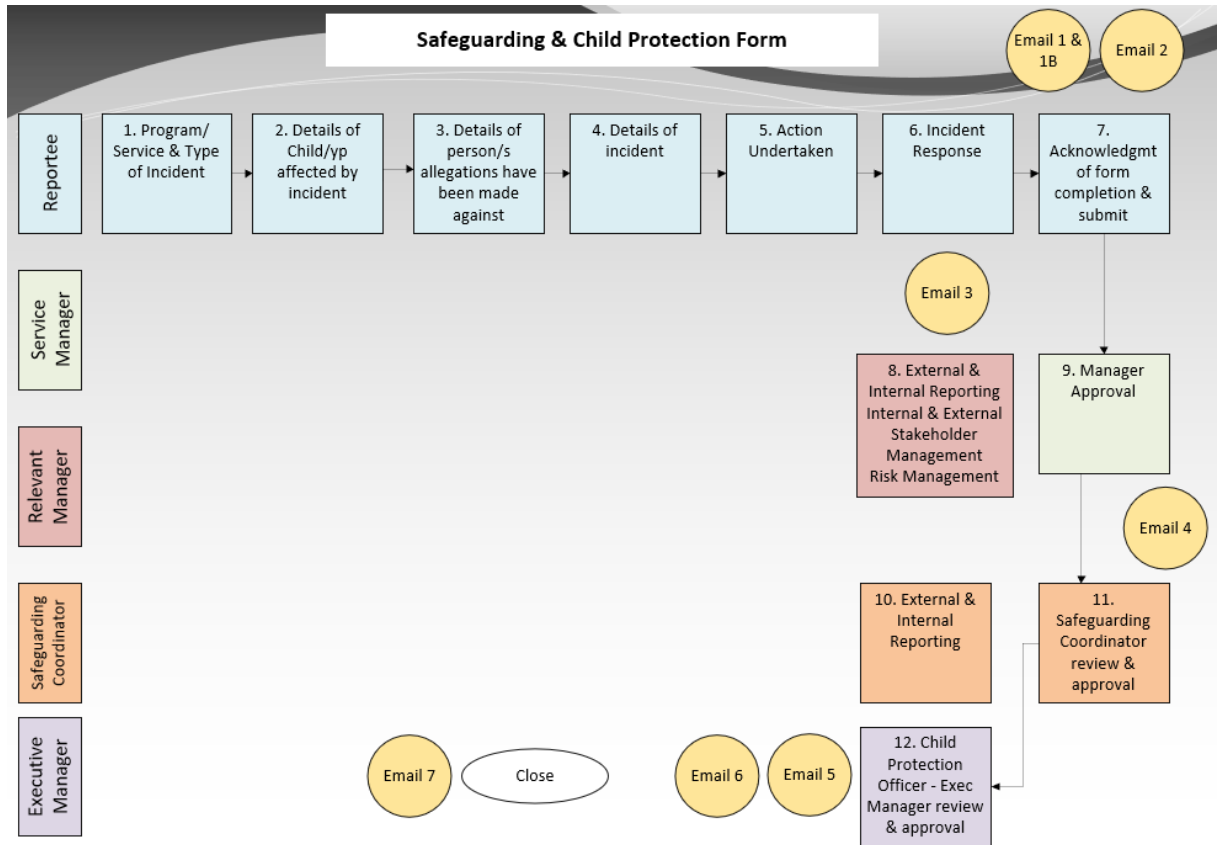
- full names of the people involved

- the people you have reported the concern to
- details relating to the children or young person, dates and times, factual and objective information about what was seen, what has been said, and what has happened.
- Any actions undertaken and reflections on opportunities for continuous improvement to prevent similar incidents from occurring

These observations should then be recorded on the YMCA WA's Online Safeguarding & Child Protection Report Form and it must be treated as highly confidential. The online form is accessed via the link on the YConnect Safeguarding Page. It includes the option to submit a confidential safeguarding report for incidents where Y People may be subject to disciplinary action or reportable conduct based upon their behaviour or interactions i.e., If this option is selected, a confidential safeguarding incident report is sent to the Safeguarding Team, for action.

The Safeguarding & Child Protection Report Form is also publicly available on the Y WA website.

The steps and the responsibilities of each Y Person involved in raising an online Safeguarding & Child Protection Report Form are shown in the flow chart.



**The online Safeguarding & Child Protection Report Form will automatically notify via email the Child Protection Officer of the incident, however serious incidents must also be immediately reported by phone to the Child Protection Officer.**

General discussions about the matter should not occur. This information could be required at a later stage should legal action arise.

**STEP 3 - Report**

The senior person of the Y WA Centre, Facility or Program or reportee should discuss concerns or emerging concerns with the Y WA Child Protection Officer or Deputy Child Protection Officer.

The Manager is responsible for addressing the child’s immediate safety and minimising potential harm. It should involve consideration and planning taking

into account the individual circumstances of the abuse, the child and the family, who needs to be informed at the Y and externally, if the child participates in other Y programs and consideration of safeguarding risks to the child or others. This should involve consultation with Department of Communities and, in some cases, Police involvement may be required.

Decisions will need to be made about communicating with parents by management. The Manager should consult with Communities and/or WA Police Force prior to making any notifications to ensure they are not jeopardizing any investigation. It must be clearly communicated to children that their parents will need to be informed; however, the timing of informing parents and the decision of who informs the parents needs to be made in consultation with Communities and/or WA Police Force.

The Child Protection Officer or Deputy Child Protection Officer will coordinate the matter being reported to the Ombudsman on behalf of the Chief Executive Officer (if required), and provide support with identifying other external parties or stakeholders (as required).

### **Mandatory Reporting**

Mandatory reporting laws set acceptable standards of behaviour for the community (Australian Law Reform Commission, 2010) and make the protection of children from abuse a professional responsibility (Australian Institute of Family Studies, 2020).

Section 124B of the Children and Community Services Act 2004 requires mandatory reporters in WA to make a mandatory report if the person forms a belief on reasonable grounds in the course of their paid or unpaid work (on or after commencement day) that a child (under the age of 18 years):

- has been the subject of sexual abuse that occurred on or after the commencement day; or

- is the subject of ongoing sexual abuse.

What is sexual abuse under the Act?

The Children and Community Services Act 2004 defines a child as 'under 18 years of age, and in the absence of positive evidence of age, means a person apparently under 18 years of age'.

Under section 124A of the Children and Community Services Act 2004, sexual abuse, in relation to a child, includes sexual behaviour in circumstances where:

- (a) the child is the subject of bribery, coercion, a threat, exploitation or violence;
- or
- (b) the child has less power than another person involved in the behaviour; or
- (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.

These behaviours can include grooming, exposure to pornographic material, sexual penetration, inappropriate touching, exposure to other sexual acts and soliciting children for sexual exploitation. Sexual abuse occurs when a child has been exposed or subjected to sexual behaviours that are exploitative and/or inappropriate to his/her age and developmental level. In most cases, coercion and fear is common in child sexual abuse. Examples of child sexual abuse include:

- letting a child watch or read pornography
- allowing a child to watch sexual acts
- fondling the child's genitals
- having oral sex with a child
- vaginal or anal penetration
- using the internet to find a child for sexual exploitation.

Mandatory Reporters can make a mandatory report to the Department of Communities' Mandatory Reporting Service via the following methods:

- Online: <https://mandatoryreportingweb.communities.wa.gov.au>
- Email: If experiencing technical difficulties lodging a mandatory report online, please email [mrs@communities.wa.gov.au](mailto:mrs@communities.wa.gov.au) to request a hard copy for completion
- Telephone: 1800 708 704
- Fax: (08) 6414 7316
- Post: Mandatory Reporting Service, PO Box 8146, PERTH BC, WA 6849

A mandatory report can be made in writing or orally. If an oral report is made, it must be followed by a written report as soon as practicable after making the oral report (ideally within 24 hours).

If a mandatory reporter is worried about their safety when making a mandatory report, please discuss this with your supervisor or manager and the Western Australia Police.

If you are concerned that a child is suffering physical or emotional abuse or neglect or other type of abuse, you can report your concerns using an online Professional Referral Form to the Department of Communities.

### **5.1.2 MANDATORY REPORTING FOR TEACHERS - INCLUDING VOCATIONAL SCHOOLS**

Registered Teachers are required under Western Australia Law to mandatory report actual or a suspected belief (on reasonable grounds) that child sexual abuse is occurring or has occurred.

Under the Children and Community Services Act 2004, for the purposes of mandatory reporting, a teacher is defined as:

- A person who is registered under the Teacher Registration Act 2012, or
- A person who provides instruction in a VET course at the school / service or
- A person who instructs or supervises a student who is participating in an activity that is part of the educational program away from the school property

TAFE lecturers who are registered under the Teachers Registration Act 2012 with the TRBWA or who have Limited Registration and are working on school grounds are mandatory reporters.

### 6.1.2a LODGING A MANDATORY REPORT

Registered Teachers, in addition to completing an organisational Safeguarding Report, must lodge a mandatory report with the Mandatory Reporting Service (MRS) by one of the following pathways:

- Report through [mandatoryreporting.dcp.wa.gov.au/Pages/Home.aspx](https://mandatoryreporting.dcp.wa.gov.au/Pages/Home.aspx).
- Report Verbally phone: 1800 708 704
- Report in writing by facsimile: (08) 6414 7316
- Report by post: Mandatory Reporting Service, PO Box 8146, PERTH BC WA 6849

When making a mandatory report of child sexual abuse, a registered teacher must:

- If a verbal report is made, submit a written report as soon as practicable.
- Note the receipt number provided by the Mandatory Reporting Service (MRS) as proof that a verbal or written report has been made.
- Inform the Principal (where working in a school) and Child Protection Officer of the receipt number.
- Inform the Principal of the advice contained in the feedback letter received from the MRS following the report.

Information may be added to an existing mandatory report by quoting the receipt number or child's name.

Prior to lodging a mandatory report, registered teachers must consult with the School Principal (where working in a school) **and** the YMCA WA Child Protection Officer in accordance with the Safeguarding Child Protection Reporting Procedure. If the report involves the School Principal, then only the YMCA WA Child Protection Officer will be consulted.

It is the responsibility of the Child Protection Officer to report Child Safeguarding, reportable conduct and mandatory reports to the CEO and the Board on behalf

of the CEO. It is not lawful for individuals to retain, store or distribute copies of mandatory reports filed.

## Safeguarding Reporting Flow Chart

**You are aware of a Safeguarding concern, complaint or feedback**

This could happen in a variety of ways, including:

- A child or young person has disclosed abuse or safeguarding complaint.
- You have concerns about a child or young person’s wellbeing and safety.
- Someone has reported their concerns about a child or young person’s wellbeing.
- An allegation has been made about a Y Person or other adult’s behaviour toward a child.
- You have concerns about the behaviour of a Y Person or other adult’s behaviour toward a child or young person.

If a child or young person has disclosed abuse, feedback or safeguarding complaint,

**Listen carefully**

Do not ask leading questions.

Tell the child or young person what you will do.

Do you feel the child or young person is in immediate danger?

**NO**

**YES**



Contact your Manager\* and/or the Child Protection Officer to inform them of the situation.

**Call the Police immediately**

**Dial 000**

Immediately contact the Child Protection Officer and Executive Manager to advise them of the report.

**Make a Report to The Department (CPFS)**

If you are **not** a mandatory reporter – please [contact](#) the Central Intake Team on 1800 273 889 or email [cpduty@communities.wa.gov.au](mailto:cpduty@communities.wa.gov.au) regarding child abuse concerns

If you believe a child has been sexually abused and you are a **mandatory reporter** – please telephone the Mandatory Reporting Service on 1800 708 704 or lodge a written report via the Mandatory Reporting website at [www.wa.gov.au/mandatoryreporting](http://www.wa.gov.au/mandatoryreporting)

NOTE: This task should not be delegated if you are mandatory reporter as it is a legal responsibility of an individual to report reasonable beliefs of child sexual abuse to the Department (CPFS).

NOTE: If you are not sure if a Mandatory Report is required, you should call the Department (CPFS) to get advice or/and speak to the Child Protection Officer.

**Complete a Y WA Safeguarding & Child Protection Report Form**

This can be done either online (preferred) or hard-copy and must be done before the end of your shift.

Include the mandatory report reference number (if relevant) and any supporting documentation.

**Self-care**

Debrief with your manager

Access the Employee Assistance Program (EAP) through People Sense

\*Management will assess the requirement to report to other internal and/or external stakeholders (as required)

**IMPORTANT NOTES:****Don't make promises you can't keep**

Child abuse, particularly child sexual abuse, relies on secrecy. Other forms of abuse are also usually hidden. Children learn at a very young age to hide what is happening to them. Sometimes, they fear repercussions for themselves or other family members. In other instances, they may fear the consequences for parents or others whom they love in spite of the abuse. Because of this, a child or young person might ask an adult to promise secrecy before disclosing. Such a promise should not be made. By telling the child: "I can't make that promise,

but I can tell you I will do my best to keep you safe", you can reassure the child, manage expectations, and encourage them to speak out about abuse.

### **Role of the Department of Communities**

The Department of Communities protects and cares for WA children and young people who are in need and supports families and individuals who are at risk or in crisis. This includes working proactively with families to build safety around children and prevent the need for children to enter the out-of-home care system. The Department of Communities also supports children and young people who are in out-of-home care to thrive by working with community sector organisations and foster carers to provide them with a safe, stable environment.

The Department of Communities provides a range of child safety and family support services. This includes the assessment and investigation of child abuse and neglect, including mandatory reports of child sexual abuse; provision of Working with Children Checks; and provision and support of fostering and adoption services, counselling and outreach programs, crisis accommodation, homelessness services, and emergency services.

Part of the role of Communities Mandatory Reporting Service is to:

- assess all reports that are submitted to The Department of Communities
- take any necessary steps to safeguard children
- provide referrals to families that may require support
- provide information and facilitate discussions with mandatory reporters
- provide information around the formation of belief and what constitutes a mandatory report
- provide an alternative pathway for referrals in the absence of a formation of belief and where the reporter still holds safety concerns for the child.

### **Your role**

YMCA WA People must document concerns that have been observed or disclosed. Concerns or appropriate actions must not be discussed with the

parents/guardians until the matter has been discussed with the Department. In some cases, the Department may direct you to discuss the concerns with the parents. In other cases, it may be decided that informing the parents at an early stage may put children or young people at risk. It is the responsibility of the Department, the Police and any other regulatory authorities to conduct any formal investigation that may be required.

### **Do not confront the perpetrator**

Remember, it is the role of the authorities to investigate the truth of the claim. Your role is to support the child or young person. It is imperative you do not confront the perpetrator of any type of abuse or discuss the child or young person's disclosure with him or her. This could create a potential risk for the child or young person's safety. Also, perpetrators of child abuse can work hard to shift responsibility from themselves to others. Some types of child abusers (specifically sexual abusers) are often charismatic people who can provide plausible excuses for their behaviour and seek to shift the blame to others. Confronting an alleged perpetrator of sexual or other types of abuse should only be done by professional child protection workers or the police.

### **Interviewing the Child or Young Person**

The Department staff have authority under the Child Welfare Act 1947 to interview or examine a child or young person at any Y WA facility or take the child somewhere else to conduct an interview. The decision about where and when to hold the interview is made while considering the best interests of the child or young person. If either of these situations occurs, it is the role of the Department to inform parents of the action. It is imperative that the identification of anyone claiming to be from the Department is established before allowing any child or young person to be interviewed.

The Department has a policy of not revealing the identity of the person notifying suspected cases of maltreatment. However, in some cases, due to the nature of the information, it is not possible to prevent the family or alleged offender from guessing the source of the notification.

The Department may refer the matter to the Police at their discretion.

### **Disclosing information to families**

The information disclosure process will begin as soon as reasonably possible and will be in accordance with any guidance given by the Police and the Department. The process will be adapted to accommodate the parties' needs and the requirements of any external review or investigation process. Where Police and/or the Department are involved, they will be provided with information about the incident to assist them in their investigations. The decision to disclose information will consider:

- whether the ongoing safety of those involved in or impacted by the incident is compromised by the disclosure or non-disclosure of information
- the advice of Police and Department
- the rights of those impacted by the incident to privacy, confidentiality and a presumption of innocence in accordance with organisational policies
- the need of those potentially impacted by the incident

#### Protection from Liability

The Children and Community Services Act 2004 section 129(2) provides “protection from liability for giving information...if a person acting in good faith” for the purposes of facilitating the enforcement of this Act makes a report with respect to the circumstances of a child.

The Act protects a person who makes a report to the Department, with the best interests of the child in mind, from legal action being taken against them. The protection will not cover general discussions for example conversations with other parents or other persons in the general community.

## **5.2 REPORTING PROCEDURES FOR ABUSE / ALLEGED ABUSE OF A CHILD OR YOUNG PERSON BY YMCA WA PEOPLE**

If a child or young person in the care of the Y WA discloses an allegation that abuse has been perpetrated by someone associated with the Y WA, it is

imperative to follow the Y WA reporting protocols as well as make a report to the Department of Communities.

In the event an allegation of abuse is made against Y WA People, potentially this may constitute a serious breach of Our National Safeguarding Children and Young People Policy and process, SCYP Practice Behaviour Guidelines, Code of Conduct (Safe Behaviours) and possibly laws, including the Reportable Conduct Scheme WA (the Scheme).

The Reportable Conduct Scheme WA (the Scheme) compels the YMCA WA to notify, investigate and report allegations or convictions of child abuse by employees, volunteers, contractors and family daycare educators and assistants aged 18 years or over to the Ombudsman. The Ombudsman will monitor, oversee and review these investigations. The Ombudsman may also at any time investigate matters itself.

Reportable Conduct covered by the Scheme includes:

- sexual offences (against, with or in the presence of, a child);
- sexual misconduct (against, with or in the presence of, a child);
- physical assault including actual physical force or threat of physical force (against, with or in the presence of, a child);
- significant neglect of a child; and
- any behaviour that causes significant emotional or psychological harm to a child.

In accordance with the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021, all Y People are required to comply with the Act and report any information that leads them to form the belief on reasonable grounds that a Y Person (as broadly defined under the Act) has engaged in reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment.

Breaches of Safeguarding Children and Young People policy if substantiated include, but are not limited to, YMCA WA people who:

- sexually assault or harass children or young people who are involved in one of our programs
- physically assault or physically threaten children or young people who are involved in one of our programs
- verbally abuse, denigrate or bully children or young people who are involved in one of our programs
- take, reproduce, publish and/or distribute photos or images of children or young people for any purpose without the consent of their guardians
- Use tactics or behavior which could be reasonably interpreted as sexual misconduct such as making inappropriate sexual comments, 'grooming', inappropriate touching or otherwise interfering with the physical, emotional or psychological wellbeing of a child or young person, or
- significantly neglect a child or young person.

Information will be shared with Y Safeguarding and Y Australia if YMCA WA People or others are involved in any critical incident or safeguarding concern, as well as any other relevant external party as required by law.

### **Interviewing the Child or Young Person**

If there are concerns that there is a reportable conduct matter, the YMCA WA will assess whether the concern meets the threshold for reportable conduct and subsequently assign a Child Safe Investigator to investigate the matter. As part of the investigation, the Child Safe Investigator may interview any involved children or young people in the presence of a support person to ensure that the voices and views of the child and young person are heard, and appropriate actions are taken to manage the concern. The child or/and young person will be notified of the outcome of the investigation.

In accordance with Y WA's Code of Conduct (Safe Behaviours) Y WA People must immediately report any incident or suspected incident of abuse by any other YMCA WA People as per the procedure outlined below.

#### **STEP 1**

- In the event that an allegation or suspicion is held against any Y WA People it must be reported to the Manager or Supervisor whose responsibility it is to inform the Child Protection Officer (CPO) of the Y WA.
- In the event that the allegation or suspicion is against the Manager of the program the matter should be reported directly to the Child Protection Officer (Executive Manager of People and Culture) or relevant Executive Manager.
- In the event that the allegation or suspicion is against the Child Protection Officer (Executive Manager of People and Culture) the matter should be reported to the Chief Executive Officer
- In the event the allegation or suspicion is against the Chief Executive Officer the matter should be reported to a member of the YMCA WA Board
- In the event the allegation or suspicion is against a Director from the YMCA Board of Directors the matter will be reported to YMCA Australia National Office



## STEP 2

A Safeguarding & Child Protection Report Form **must** be completed. A record of observations and any statements made by the child or young person should be kept.

Record details such as: -

- names in full of the people involved
- the people you have reported the concern to,
- details of the children or young person concerned, dates, times, factual objective information about what was seen, what has been said, and what has happened.

Observations should then be recorded on the online Safeguarding & Child Protection Report Form and must be treated as highly confidential. General discussions about the matter should not occur. This information could be required at a later stage should legal action arise. It is important to remember –

- you are not required to assess the validity of any 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 policy and procedure.)
- you must not allow 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 to impede your actions in reporting.
- a confidential safeguarding incident report can be lodged by selecting “Support Services” under Division and “Confidential report” under Program Service when completing the online report
- you can alternatively choose to report actual and suspected breaches of ethical and legal standards in line with the YMCA WA Whistleblower Policy if it is deemed to be a more appropriate pathway.



## STEP 3

The most senior YMCA WA party, i.e. the Child Protection Officer (CPO) will assess the evidence obtained and arrange for the conduct of a formal investigation where required, including relevant interviews to collect signed statements from those involved. If the Child Protection Officer or Safeguarding Coordinator identifies a reasonable belief of reportable conduct, the CEO will be immediately notified, and a Critical Incident Management Team convened, if appropriate.

- An Investigation Coordinator will be appointed for Reportable Conduct Matters
- Police and other external relevant parties e.g. CPFS, ECRU will be notified (as required)
- Investigator/s will be appointed and briefed
- The Ombudsman will be notified of reportable conduct matters within 7 days by the CPO, on behalf of the CEO upon becoming aware of the conduct
- Regular updates of the investigation and actions taken will be provided to the Ombudsman until the report has been provided and the matters are closed
- The child/young person will be informed of the investigation outcome



#### STEP 4

The Child Protection Officer shall report the incident in writing to the Chief Executive Officer



#### STEP 5

The Chief Executive Officer will then notify the Board in writing



#### STEP 6

In the event that allegations are made against YMCA WA People the Child Protection Officer (Executive Manager of People and Culture) or their delegate may be required to immediately suspend that person (in accordance with the Fair Work Act) from all activities involving the direct supervision of, and/ or direct contact with, children and young people.



The Department of Communities - Child Protection and Family Support (the Department) shall be contacted within 24 hours of the alleged incident.

In licensed programs such as Out of School Hours Care, Early Learning Centre's and Family Day Care the Department of Local Government and Communities' Education and Care Regulatory Unit must also be notified in line with the specified timeframes.

Written reports are also to be provided to these agencies following on from the initial contact being made.

All YMCA WA People shall be fully supported and be encouraged to access the Employee Assistance Program providers for professional support and debriefing.

Reinstatement to regular duties may only occur after any and all allegations against that person have been dismissed or cleared to the satisfaction of the CEO of the YMCA WA and any external agencies such as the police, the Department, Ombudsman or the Education and Care Regulatory Unit.

### **Support Needs of Those Involved**

Y WA People will assist in addressing the support needs of those impacted by the allegation including:

- the child or Young Person and their family
- the person against whom the complaint is made by, for example, offering professional counselling
- other personnel impacted by the allegations

## **6.0 DOCUMENTATION**

Our Child Protection Officer is responsible for maintaining a registry to record any reported incidents and any other documentation relating to the allegations and subsequent action.

All documentation associated with an allegation of abuse or neglect of a child or young person must be stored securely and confidentially by having:

- hard-copy documentation stored in a locked filing cabinet (or similar)
- electronic documentation stored in a password-protected folder (or similar).

In accordance with the National Child Safe Organisation Principles and Safeguarding Children and Young People Licensing Standards requirements, all information about all feedback, complaints and concerns including breaches is recorded and analysed by the Child Protection Officer so systematic issues are identified, mitigated and a commitment to continuous improvement occurs. The YMCA WA reports all safeguarding concerns, complaints and risks, including breaches in safeguarding related legislation to Y Safeguarding to support continuous improvement processes, as well as to Y Australia in line with Policy and Procedures.

## **7.0 CONSEQUENCES OF BREACHING POLICY**

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If YMCA WA People fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person within the prescribed timeframes, using the prescribed methods – this will be viewed as a failure of Duty of Care and possibly law and as such a serious matter. Depending on circumstances, this may result in disciplinary action and or grounds for termination of employment.

Our policy prohibits all YMCA WA People from:

- discussing any matter concerning an allegation with unauthorised personnel – inside or outside our organisation – such prohibition not being designed to limit, in any way, their rights to legal representation 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.

YMCA WA People are obliged to raise any concerns they might have in relation to:

- YMCA WA policy documents in relation to safeguarding children and young people – including our ‘Practice and Behaviour Guidelines’ and this procedure
- actions of others within the organisation that contravene policies, or that may otherwise have the potential to harm a child or young person.

## 8.0 RELATED LEGISLATION AND STANDARDS

Legislation/Standard
Australian Human Rights Commission – National Framework for Protecting Australia’s Children 2009-2020 – National Principles for Child Safe Organisations
Children and Community Services Act 2004
Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008
Children and Community Services Amendment Act 2010
Safeguarding Children and Young People Licensing Standards
Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021

## 9.0 SUPPORTING PROCEDURES, POLICIES AND OTHER DOCUMENTS

Refer to the YConnect page for the current link to related documents listed below.

Document ID	Document Title
PC-003-GL	SCYP Practice & Behaviours Guidelines
	Our National Safeguarding Children and Young People Policy – YMCA Australia
	YMCA WA Code of Conduct (Safe Behaviours)

	Whistleblower Policy
	SCYP Roles and Responsibilities Guideline
SGA-005-POL	Critical Incident Policy (Y Australia)
SGA-010-PROD	Critical Incident Procedure
Online Form	Safeguarding and Child Protection Report Form
	Australian Law Reform Commission (ALRC). (2010). Family violence: A national legal response. Canberra: ALRC.
	Australian Institute of Family Studies. (2020). Mandatory reporting of child abuse and neglect

## 10.0 FEEDBACK

Feedback on this procedure must be directed to the Document Owner outlined in the cover of this procedure.

**The Document Owner is responsible for maintaining the currency of this document.**