



SAFEGUARDING CHILDREN & YOUNG PEOPLE – CHILD PROTECTION REPORTING PROCEDURE

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DOCUMENT CONTROL			
Version	Description of Revision	Date Effective	Owner
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"> The child or YP's voice will be respected and listened to New reference to National Framework for Protecting Australia's Children 2009-2020 and Addition of definition of YMCA People All complaints and concerns including breaches will be recorded and analysed Rewording for clarification purposes. 	17/09/2019	EM P&C
v5.0	Review: <ul style="list-style-type: none"> 6.2 Step 2 – inclusion of requirement to complete a Child and Young Person Abuse Incident Report Form. Renamed Safeguarding Children & Young People – Child Protection Reporting Procedure. 	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

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1.0 PURPOSE

YMCA 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 YMCA 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 towards children or young people to whom we provide a service to in accordance with this procedure.

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

2.0 SCOPE

This procedure applies to all YMCA WA People.

3.0 ROLES AND RESPONSIBILITIES

Role Title	Responsibilities
YMCA WA Board	<ul style="list-style-type: none"> Ensure that safeguarding is an Agenda item and receive reports from relevant Committee(s) Oversee Safeguarding culture
CEO	<ul style="list-style-type: none"> Ensure Board is kept apprised of relevant incidents
Executive Managers	<ul style="list-style-type: none"> Implement policies and procedures across the organisation and embed safeguarding practices and reporting as part of organisational culture Ensure personnel have access to and understand relevant policy and related procedures Ensure all managers/supervisors have access to support and advice to understand and implement policies and procedures, as well as their Safeguarding responsibilities. Ensure staff use relevant procedures within their day to day work
Child Protection Officer / and Deputy	<ul style="list-style-type: none"> Report to CEO and relevant Board Committees in relation to Safeguarding incidents and Mandatory reports. Provide support and guidance to staff / Managers and Executives in relation to reporting and general Safeguarding matters Review and update Safeguarding documents and supporting resources in consultation with relevant stakeholders

	<ul style="list-style-type: none"> Support the coordination of the Safeguarding framework and implementation Ensure training and advice in the application of policies and procedures is available to be utilised.
Managers / Supervisors (including School Principal)	<ul style="list-style-type: none"> Ensure policies and procedures are followed and implemented. Ensure staff are familiar with their responsibilities. Support staff in relation to filing required reports
All YMCA WA People	<ul style="list-style-type: none"> Ensure they comply with Safeguarding Practices including any requirement to Mandatory Report

4.0 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

5.0 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
	Whistleblower Policy
Online Form	Safeguarding and Child Protection Report Form

6.0 STEPS

YMCA WA People are required to report 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**, or if that is not possible, no later than before ending that person's shift or session of work with the YMCA WA.

It is important to note that should the child or young person be at risk of imminent harm YMCA WA People must contact the relevant authorities directly.

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 or an allegation of abuse or neglect of child/young person
- Suspicion of potential harm to a child/young person (including self-harm or suicidal ideation)
- An allegation of abuse or criminal matters involving a staff member, volunteer or contractor
- An episode of severe challenging behaviour inconsistent with development (e.g. violence, throwing or destroying furniture, sexualised behaviour)
- Serious breach of confidentiality or code of conduct that may put a child/young person at risk
- Serious breach of duty of care (e.g. supervision incident/missing child/young person, child/young locked in or out of service)
- A complaint that alleges the well-being of a child/young person is at risk
- Child/young person unlawfully taken.

If you are unsure if an incident requires a Safeguarding Report or an Incident/Hazard Report, please refer to Section 6 of the Incident & Hazard Reporting Procedure and / or consult with your manager or Child Protection Officer.

6.1 REPORTING PROCEDURES FOR ALLEGED ABUSE OF A CHILD OR YOUNG PERSON AT HOME OR OTHER PLACE

YMCA 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.

YMCA WA People will be given time to make the report to the Department of Communities - Child Protection and Family Support (the Department). 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.

6.1.1 PROCESS IN ACCORDANCE WITH CHILDREN & COMMUNITY SERVICES ACT 2004

STEP 1- Consult

If YMCA WA People working at a service or program or delivering services online are 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 Child and Young Person Abuse Incident Report Form and must be treated as highly confidential. The online form is accessed from the desktop/home page of the Y WA IT resources or via the link on the YConnect Safeguarding Page. It includes the option to submit a confidential safeguarding report for incidents where staff 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 Melinda Perry, General Manager Human Resources, for action. The option can be found by selecting Support Services under Division and Confidential report under Program Service.

The online Safeguarding & Child Protection Report Form will automatically notify via email relevant staff of the incident, however it is vital that serious incidents 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 YMCA WA Centre, Facility or Program or reportee should discuss concerns or emerging concerns with the YMCA WA Child Protection Officer or Deputy Child Protection Officer. The Child Protection Officer or Deputy Child Protection Officer will advise and assist to coordinate the matter being reported and submitted to the Department (CPFS), the Ombudsman on behalf of the Chief Executive Officer, police or other external party (as required).

The Department 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.

6.1.2 MANDATORY REPORTING FOR TEACHERS – INCLUDING VOCATIONAL SCHOOLS

Where YMCA WA employ teachers in a paid or voluntary capacity, they 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

Staff who have Teacher Registration Board Western Australia (TRBWA) registration but are not working as a teacher are not mandatory reporters.

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

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
- Report Verbally phone: 1800708704
- Report in writing by facsimile: 1800610614
- Report by post: PO Box 8146, PERTH BC WA 6849

When making a mandatory report of child sexual abuse, a 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 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, 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 the Executive Manager -Education, Youth and Leisure must also be consulted.

It is the responsibility of the Child Protection Officer to report Child Safeguarding 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.

IMPORTANT NOTES:

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 to inform 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.

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 YMCA 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 occur, 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 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. This is referred to as “qualified privilege”.

The protection of qualified privilege will not cover general discussions for example conversations with other parents or other persons in the general community.

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

In the event an allegation of abuse is made against YMCA WA People, potentially this may constitute a serious breach of YMCA WA’s Safeguarding Children and Young

People Policy and process, SCYP Practice Behaviour Guidelines, Code of Conduct and possibly the law, such as, 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 in 2023 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); and
- other prescribed offences.

From 2024 onwards, reportable conduct will also include:

- 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 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 YMCA WA's Code of Conduct YMCA 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 YMCA WA People it must be reported to the Manager or Supervisor whose responsibility it is to inform the Child Protection Officer (CPO) of the YMCA 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 the Executive Manager – Education, Youth and Leisure.
- 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 and 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 and times, factual and objective information about what was seen, what has been said, and what has happened.

These observations should then be recorded on the online YMCA WA’s 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 this policy.)
- 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) / Deputy Child Protection Officer 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 / Deputy 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



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

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 within one working day.

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**

YMCA 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

7.0 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 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 and risks, including breaches in safeguarding related legislation to Y Safeguarding quarterly to support continuous improvement processes.

8.0 CONSEQUENCES OF BREACHING POLICY

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 Behavior 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.

9.0 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.

10.0 DEFINITION OF TERMS

Term	Definition
YMCA People	Staff (including Teachers), volunteers, Family Daycare and In-home Care educators, contractors, Board Directors and student placements.
YMCA WA Child Protection Officer or Deputy Child Protection Officer	<p>The Child Protection Officer is the Executive Manager People & Culture. The contact details are:</p> <p>Allison Ross - Child Protection Officer Mobile 0499 868 101 Email allison.ross@ymcawa.org.au</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 concerns about immediate safety of where criminal acts have occurred.</p>