

Protection of Children and other Vulnerable Persons Policy - Updated June 2023

1. AUTHORITY

Blake St Hebrew Congregation (“BSHC”) has a Child Protection Team who ‘champion’ the safety of children and vulnerable people. This team consists of the President, Rabbi, Child Safety Officer, Youth Director and Youth Officer and they are available to support or advise community members. BSHC employees, volunteers and representatives are all responsible to implement this policy and responsibility does not rest solely on the Board, President or senior management.

2. PREAMBLE

The PURPOSE of this policy is designed to protect “vulnerable” people (members, visitors and others) from potential abuse. All people, including those who are vulnerable (as defined below), have a right to feel safe – a right guaranteed to them under Jewish law and under a range of civil and criminal laws covering child protection, occupational health and safety and anti-discrimination against people based on disadvantage, gender and religion. These rules and laws are applied equitably for all members of the community and consider the diverse needs of the members of the community.

In respect of the vulnerability of children, grooming is considered a criminal offence (Crimes Amendment (Grooming) Act 2014, which commenced in Victoria on 9 April 2014). The penalty for grooming is a maximum of 10 years imprisonment.

All adults have a moral, legal and ethical responsibility to report a criminal offence against a child. The Crimes Amendment (Protection of Children) Act 2014 imposes a clear legal duty upon all adults to report information about child sexual abuse to police. Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 is required to report that information to police. Failure to disclose the information to police is a criminal offence. This is aside from any obligations that some individuals may have under mandatory reporting covered by the Children Youth and Families Act 2005 section 182 (l) and 184, specifically relating to teachers, principals, doctors, nurses including midwives and police. It is important to note that some mandated reporters remain mandated even if they are not in the process of performing their professional duties.

In the event that BSHC premises is being used by external organisations, the organisation providing the service is responsible for the managing risk and maintaining a safe environment for participants. They are also responsible for ensuring their staff have the relevant checks and skills to work with children or vulnerable persons. During these times, if BSHC employees or volunteers are present on site, they are obligated to be mindful of the protection of vulnerable persons. Admission to BSHC services, programs & events whether conducted at the BSHC premises or elsewhere is at the discretion of the President and Executive of the BSHC Committee. From time to time, information may be received regarding a registered sex offender, a person facing charges of sexual offences or about whom an allegation of sexual misconduct has been made. The President and the Executive reserve the right to undertake an appropriate investigation and to determine the suitability of any person seeking admission.

Strict adherence to this Policy will protect staff and volunteers of BSHC from accusations that may be levelled against them.

3. DEFINITIONS

3.1. “Allegation” means a claim of a fact by one party against another which, until proven, remains merely an assertion and includes an allegation of physical or emotional harm, sexual abuse and/or other behaviour considered to be inappropriate by the person making the allegation.

3.2. “Child Abuse” is all forms of physical abuse, emotional ill-treatment, sexual abuse (both contact and non-contact) and exploitation, neglect or negligent treatment, commercial or other exploitation of a child and includes any actions that results in actual or potential harm to a child. Child abuse may be a deliberate act failing to act to prevent harm or exposing a child to knowledge of abuse or harm. Child abuse consists of anything which individuals, institutions or processes do or fail to do, intentionally or unintentionally which harms a child or damages their

prospect of safe and healthy development into adulthood. It may also be as a result of Family Violence.

3.3. "Child Protection" is defined as the responsibilities, measures and activities that BSHC undertakes to safeguard children from both intentional and unintentional harm.

3.4. "Child" means every human being below the age of eighteen years. Unless otherwise specified in this Policy or by Law, the clauses of this Policy referring to child/children shall apply to all people under the age of eighteen years.

3.5. "Complaint" means a written expression of dissatisfaction made to BSHC where a response or resolution is explicitly or implicitly expected and includes a complaint of physical or emotional harm, sexual abuse, grooming and/or other behaviour considered to be inappropriate by the person making the complaint.

3.6. Individuals who make an oral complaint should be encouraged by the Shule member to whom the complaint was made, to document it and, to submit it to the Shule. The Shule member who receives an oral complaint should reassure the complainant that their complaint will be taken seriously and should then document the complaint and the request for it to be put in writing.

3.7. "Emotional Abuse" occurs when a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may also be instigated by others not responsible as the child's caregiver and may involve name calling, put downs or continual coldness, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

3.8. "Grooming" concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. The offence applies where an adult communicates, by words or conduct, with a child under the age of 18 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.

3.9. "Meetings" shall include any session that would bring people physically together for the purpose of discussion, prayer, counselling, sick visiting, teaching or assessing a person's ability to read the Haftarah and/or Torah reading, amongst other possible sessions.

3.10. "Neglect" is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.

3.11. "Peer/Sibling abuse" occurs when a child or young person uses their power, garnered by one or all of the following factors – superior age; developmental stage; intellectual status; physical strength or position of strength – to engage a child in unwanted sexual contact or activity causing physical and emotional harm.

3.12. "Physical abuse" occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures. Visible evidence of physical injuries is not required when forming a reasonable believe that physical abuse has occurred.

3.13. "Relevant Statutory Authorities" includes the police, government agencies and government instrumentalities who must be notified when certain complaints are made known to a third party.

3.14. "Sexual abuse" occurs when a person uses power or authority over a child to involve the child in sexual activity. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity including both contact and non-contact forms of sexual abuse.

3.15. "Shule rep" is a Shule representative comprising Staff and Volunteers

3.16. "Staff" includes, although not exclusively, the Rabbi, Assistant Rabbi, the Youth Officer, office staff, children's service staff and the caretaker.

3.17. "Venues" for which this policy shall apply include, although not exclusively, the shule premises, private motor vehicles, private homes and hospital rooms.

3.18. "Volunteers" include, although not exclusively, those who prepare food and set up kiddushim, those involved in shule security, members of Committees, regular tradespersons who are not "on salary", sick visiting volunteers and others, while undertaking tasks on behalf of BSHC.

3.19. "Vulnerable person" could be anyone who may be at a disadvantage because of age, gender or disability. Those considered vulnerable include Aboriginal children and young people with disability, children and young people from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.

4. PRINCIPLES OF THIS POLICY

4.1. BSHC is committed to creating a safe culture and environment: BSHC considers all forms of abuse unacceptable in all circumstances, has a zero tolerance to any form of abuse and takes its duty of care seriously. BSHC will aim, at all times, to provide the safest possible programs and environments for all people and, specifically for the purposes of this policy, all vulnerable people. This will be achieved by identifying and managing risks that may lead to harm.

4.2. BSHC acknowledges that risks to vulnerable people may come from Shule reps as well as visitors to the premises, Shule members and, in the case of children, from peers or siblings.

4.3. Through publicising this policy, BSHC intends to make clear to all that the Shule will do its utmost to ensure a safe environment for all, irrespective of the source of the risk.

4.4. This policy addresses each of the eleven Child Safety standards as listed below:

4.4.1. Child Safe Standard 1 – Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued: clause 3.19

4.4.2. Child Safe Standard 2 – Child safety and wellbeing is embedded in organisational leadership, governance and culture: clauses 4.1, 4.3, 8.8, 8.9 and 8.10

4.4.3. Child Safe Standard 3 – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously: clauses 5.1, 5.4, 8.9, 8.10

4.4.4. Child Safe Standard 4 – Families and communities are informed, and involved in promoting child safety and wellbeing. This policy is available on the BSHC website and any changes that are made to the policy are publicised through newsletters and relevant social media posts.

Community members are invited to comment on the policy, and any questions, concerns or ideas are welcomed.

4.4.5. Child Safe Standard 5 – Equity is upheld and diverse needs respected in policy and practice as explained in the preamble of this policy.

4.4.6. Child Safe Standard 6 – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice: clause 7

4.4.7. Child Safe Standard 7 – Processes for complaints and concerns are child focused: clauses 2, 5

4.4.8. Child Safe Standard 8 – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

Training was undertaken by staff and volunteers in 2022 and will occur on a regular basis, as co-ordinated by the Child Safety Officer.

4.4.9. Child Safe Standard 9 – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed: Clause 4.1, 4.2, 4.3, 8.9

4.4.10. Child Safe Standard 10 – Implementation of the Child Safe Standards is regularly reviewed and improved. This policy is reviewed and modified on a regular basis to maintain best practice. This is supported by consultation with experts from time to time. When improvements are made, staff, volunteers and community members are informed of changes and the required training is conducted for relevant individuals.

4.4.11. Child Safe Standard 11 – Policies and procedures document how the organisation is safe for children and young people. This is demonstrated throughout this Policy and the Code of Conduct Policy.

5. PRINCIPLES OF REPORTS AND ALLEGATIONS

5.1. We are committed to ensuring that when a complaint or allegation is raised, all people involved are afforded compassion and dignity.

5.2. All individuals have a right to raise complaints and allegations regarding the behaviour, or suspicion of behaviour, of any individual member, Shule rep, contractor or advisor of BSHC.

5.3. Complaints may be made with whomever the individual feels most comfortable raising the issue and may include the Rabbi, the Assistant Rabbi, the Shule President, the Youth Officer or the Child Safety Officer.

5.4. All complaints and allegations raised will be taken seriously and actioned appropriately by us with a focus on the child or vulnerable person and supporting them as the complaint is investigated. (CSS 7).

5.5. We will respond diligently to all reports of suspected or actual harm.

5.6. All complaints and allegations will be responded to by applying the principles of procedural fairness, at all times, as required by law.

5.7. Where a complaint or allegation which includes an aspect of criminal misconduct or suspicion of criminal misconduct, the person making the complaint will:

5.7.1. be guided by BSHC towards approaching the relevant statutory authorities, including police; and

5.7.2. be advised that, in the case of children, BSHC has the practice of informing the relevant statutory authorities, including police. This is particularly important as the offence of 'failure to disclose', enacted on 27 October 2014, makes it an offence to withhold information where an adult forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16. It is important to note that Failure to Disclose legislation applies to all adults, not just mandated reporters.

5.8. We recognise that complaints and allegations are traumatic for all members of the BSHC community but, most of all, for the people directly involved and BSHC will offer support to all people directly affected by the complaint.

5.9. We will not tolerate reprisals against any person making a complaint and action will be taken against any person who is found to engage in such behaviour. This is also articulated in the BSHC policies including the Code of Conduct Policy.

5.10. We expect the highest standard of care and ethical behaviour from those individuals charged with responding to complaints and allegations for us.

5.11. All parties will be given the opportunity to tell their story in a safe and trusting environment.

5.12. All personal information (including sensitive information) of all individuals disclosed as part of the complaint or allegation or the ensuing process will be handled by us in accordance with our Privacy Policy.

5.13. Under the Victorian Reportable Conduct Scheme, any reportable allegation must be notified to the Commission for Children and Young People (8601 5281) within 3 days. Subject to Police clearance and upon advising the Commission of who is undertaking the investigation, the allegation will be investigated. Within 30 days, we will provide an update to the Commission.

5.14. Suggested contacts include: Advocates for survivors of child abuse (1300 657 380), Australian Jewish Psychologists (0409 998 191), Australian National Disability Abuse and Neglect Hotline (1800 880 052), Australian Psychology Society (1800 333 497), Commission for Children and Young People (8601 5281), Department of Human Services Child Protection Unit (1300 655 795), Family Helpline (1800 643 000), Gatehouse (9345 6391, 9345 5222), Lifeline (13 11 14), Mensline (8371 2800), Relationships Australia (1300 364 277), Respect (1800 737 732), Sexual Assault Crisis Line (1800 806 292), South Eastern Centre Against Sexual Assault & Family Violence (SECASA) (9594 2289), Tzedek (1300 89 33 35), Victoria Police Sexual Offences and Child Abuse Investigation Team (03-9556 6128), Women's Information and Referral Service (1300 134 130).

6. CONDUCT OF MEETINGS

6.1. A Shule rep must never be alone with a child (under 18 years of age) with the door closed and not near a window providing an unobscured view for people outside the room. This is the case regardless of the location of the meeting, so either at the Shule, at a Shule Member's home or in a private home.

6.2 If a circumstance such as this arises, such as another person or parent was expected to be home and suddenly has to leave, the Shule rep must end the meeting but could suggest that the parent takes the child with them and either continue the meeting via mobile phone or that the meeting be rescheduled.

7. RECRUITMENT

7.1. Recruitment of Shule reps is to be made in line with securing the rights of vulnerable people and include relevant screening and subsequent induction training to ensure that all BSHC's policies are followed, and do not place vulnerable people at risk. Screening may include the use of www.fit2work.com.au.

7.2. All Shule reps, who may work with children, are required by BSHC and the Working with Children Act 2006 to have a current 'Working With Children' (WWC) check (or current Victorian Institute of Teaching registration). The validity of the WWC will be checked online. Where a Shule rep has come from overseas, the Shule will conduct all reasonable checks to ensure that the Shule rep is safe to work with vulnerable people and this may include a Police Check until such time as a WWC check can be completed.

7.3. The protection of Vulnerable Persons must be considered in job advertisements and in HR screening procedures where specific questions in relation to supporting vulnerable people form a part of the interview process.

8. CHILD PROTECTION

The above rules apply to ALL vulnerable people including children. However, the following points relate specifically to our handling of our work with children.

8.1. Practical implementation of this policy: This policy is emailed to parents of "BBB" Bnei Mitzvah students at the commencement of their group of lessons, so that parents are aware of the seriousness with which BSHC takes its responsibility to children.

8.2. To avoid a single child being left with a single member of staff, children arriving for our "BBB" classes must wait with a parent until a second child arrives, or a second staff member.

8.3. Parents will be asked to notify Bar or Bat Mitzvah teachers in advance if their child is not able to attend a class. In this way, BSHC is trying to prevent a class having only one child in attendance. If this is ever the case and only one child turns up to the “BBB” session, after, waiting sufficient time, the session will be cancelled, and the parent will be asked to take their child home.

8.4. The parent of the second last child to be picked up should wait until the last child is picked up, before leaving the premises. If this is not possible, the last child to be picked up should wait with the Shule rep at the gate in full view of a camera if there is no one else on the premises.

8.5. Our Shabbat programmes should normally present no problem for our policy as the group is large, there are 2 youth leaders and there are lots of people on the premises. However, should the group be small on any particular Shabbat, the door to the room must be left ajar.

8.6. As noted above, this policy precludes our staff or volunteers being on their own with a minor including in the minor’s home. Therefore, if one of our staff or volunteers is assisting a child with his/her Torah reading, Haftarah or Dvar Torah OR it is agreed to conduct this session in the home of our staff or volunteer, then another person will need to be present (it could be the parent, another child or a spouse of our staff member, who happens to also be home) and able to walk, unannounced, into the room where the session is being conducted. This is to avoid times when a BSHC staff member or volunteer is alone with an individual child.

8.7. Shule rep communication with a child whether it be via phone, SMS, email or any other technology must be done through the parent including birthday wishes, arrangement for Bar / Bat Mitzvah classes, etc. Shule reps must not engage with a single child using social media including Facebook, Instagram, Twitter, Snapchat, Messages or any other technology that permits private conversations. WhatsApp and other forms of Social Media messaging to members under the age of 18 is permitted only in a group chat setting with more than one adult representative or staff member as part of the group chat setting. One such individual must be either the Rabbi, Assistant Rabbi, President, Youth Director, Youth Officer or Child Safety Officer.

8.8. BSHC will take all reasonable precautions to ensure that children are protected from “peer/sibling abuse”. When running children’s services, we will encourage all children to come from their parents’ care in the Synagogue direct to the children’s programme. At the conclusion of the programme, the children will be returned to the care of their parents. It is acknowledged that children will play in the grounds before, after or even during the children’s programme and parents will be periodically reminded via Synagogue and newsletter announcements that they have a duty of care for their children when our programme is not running and that we do not provide supervision around the premises other than during our programmes.

8.9. The Shule will display signs in appropriate places, such as where children’s programmes are conducted, with advice relating to child safety. Signs will inform children to report feelings of discomfort or threat to parents and/or a trusted adult as close as possible to the time that those feelings occur.

8.10. The Liquor Control Reform Act 1998 makes it unlawful to serve alcohol to anyone under 18, unless their parents have given permission. Shule reps will not serve alcohol to a child either on the Shule premises, at a Shule function or in a private home, including while hosting a child for a Shabbat meal.

8.11. BSHC, through its Activities Committee, runs programmes including those for children. Each such programme and activity must always include an assessment of child protection and how risks can be mitigated. This is particularly important as the offence of ‘failure to protect’ enacted on 1 July 2015 makes it an offence to fail to protect a child under 16 from a risk of sexual abuse. In BSHC, we are determined to ensure that children are protected from any form of identifiable and unmanaged risk.

If a child is at imminent risk of harm or in immediate danger, BSHC personnel are required to report the situation directly to Victoria Police on 000.

Further information: This policy is to be read in conjunction with the BSHC Child Protection Policy Implementation Handbook