



# Safeguarding our Children Policy

Last reviewed 27 September 2023

## Mission

Since our founding in 1930, Temple Beth Israel (**TBI**) has been forming and transforming Jewish life in Melbourne, enriching the lives of our congregants through prayer, study, religious practise, life cycle events and celebration. Temple Beth Israel is a community of meaning, dedicated to providing our members and friends of TBI with relevant and accessible pathways for Jewish engagement.

TBI is a *kehilla kedosha* (spiritual community) providing multiple pathways for our members and friends to engage with Progressive Judaism that enhances their lives through spiritual enrichment, learning and community. TBI is guided by principles of egalitarianism and respect for others. TBI is inspired to continually develop and grow and to provide a spiritual home for all who wish to embrace TBI's values.

TBI is committed to upholding its obligations under the following legislation:

- *Crimes Act 1958* (Vic)
- *Victorian Institute of Teaching Act 2001* (Vic)
- *Children, Youth and Families Act 2005* (Vic)
- *Education and Training reform Act 2006* (Vic)
- *Crimes Amendment (Grooming) Act 2014* (Vic)
- *Crimes Amendment (Protection of Children) Act 2014* (Vic)
- *Commission for Children and Young People Act 2012* (Vic) (with amendments 1 November 2018)
- *Child Wellbeing and Safety Act 2005* (Vic)

## Application of the Policy

TBI has zero tolerance for any breach of the Safeguarding our Children Policy (**Policy**) or any inappropriate conduct relating to the care and safety of our children. This is a collective responsibility of our community. As such our Policy applies without exception to:

- Rabbis and Cantors
- Cantorial Soloists
- Board of Governance and committees

- Staff
- Teachers, tutors and junior madrichim
- TBI members
- TBI Fellows
- Volunteers
- Members of choirs and music/instrumental ensembles
- Netzer (which is also governed by the Australasian Zionist Youth Council Child Protection Policy)
- Guests and visitors

Disciplinary measures may be imposed on any person for a breach or failure to act in accordance with this Policy, including, but not limited to:

- summary dismissal, suspension or termination of membership or employment
- requiring a verbal and/or written apology
- requiring counselling to address behaviour
- withdrawal of any awards or recognitions
- any other form of discipline that TBI considers reasonable and appropriate

This Policy does not form part of any contract of employment with TBI. Where it places an obligation upon an employee, the employee must comply with those obligations as directions of TBI. TBI reserves the right to modify, alter or depart from this Policy in whole or in part as it sees fit, without notice.

If you have any concerns about your legal status in regards to volunteering at TBI, please discuss this with a member of our Rabbinic Team, the Executive Manager, or the Board of Governance.

This Policy is made publicly available via TBI's website. TBI welcomes input and feedback regarding this Policy from children, young people, families, carers, and the community. TBI is committed to continual improvement of this Policy.

## 1. PROTECTING OUR COMMUNITY

TBI is committed to creating a safe environment for all children (minors under the age of 18 years) who attend TBI activities. Whilst this Policy refers to children, the guidelines equally apply to all vulnerable persons. TBI takes seriously our responsibility to create a safe and caring environment as we recognize this is essential for educating, empowering and impassioning our children.

TBI is committed to safeguarding our children in all our religious, social and cultural activities whether held at TBI or offsite. The Jewish value of *pikuach nefesh*, whoever saves a life, it is as if they have saved the entire world (Senhedrin 37a) demands we protect and safeguard our children.

### 1.1 Duty of Care

The TBI community has a duty of care to protect the safety, health and wellbeing of children in their care.

Members of the TBI community must not intentionally fail to protect a child from significant harm arising out of a physical injury or sexual abuse which may harm the child's physical development or health. It is a criminal offence for any person that owes a child a duty of care to fail to comply with this obligation.

If a member of the TBI community has any concerns regarding the health, safety or wellbeing of a child they must take immediate action in accordance with this Policy.

## 1.2 Definitions of Abuse and Neglect

Every child is entitled to feel safe and to be safe from abuse and neglect and be protected from the risk of harm. TBI is committed to safeguarding children in our care from abuse and neglect.

Abuse and neglect may be intentional and/or unintentional and includes, but is not limited to, emotional, verbal, intellectual, sexual, psychological or physical abuse and exposure to domestic violence.

Child abuse refers to any act which endangers a child's physical or emotional health or development. It can be a single act but usually takes place over time.

### 1.2.1 Sexual Abuse

Sexual abuse is any act in which a person with power or authority over a child involves the child in sexual activity. An abuser can be an adult (including a parent or caregiver), adolescent or older child.

Sexual abuse spans a range of contact and non-contact behaviour, including, but not limited to the following:

Non-contact behaviour:

- making sexual comments (orally or in writing, including by telephone, text messages or email)
- voyeurism including commenting on physical attractiveness
- exposing a child to pornography
- nudity by an abuser exposing parts of their body or the child's body
- exposure of the child to pornography

Contact behaviour:

- kissing
- fondling of the child's genitals or breasts
- masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object
- exploiting a child through prostitution

### 1.2.2 Physical Abuse

Physical abuse occurs when a child suffers or is likely to suffer significant harm from an injury. The injury may be inflicted intentionally or may be the inadvertent consequences of physical punishment or physically aggressive treatment of a child.

Physically abusive behaviour includes but is not limited to shoving, hitting, slapping, shaking, throwing, punching, biting, burning and kicking. The injury may take the form of bruises, cuts, burns or fractures.

### 1.2.3 Emotional or Psychological Abuse

Emotional or psychological abuse occurs when a child is rejected, threatened, humiliated, terrorised, belittled or subjected to name calling, putdowns or coldness in manner (or other similar behaviour), and that behaviour results in significant damage to the child's physical, intellectual or emotional wellbeing and development.

Often there is a pattern of emotional or psychological abuse rather than a single incident.

Witnessing family violence is a specific form of emotional or psychological abuse. Family violence is defined as violence between family members or extended family or those filling the role of family in a child's life. Exposure to family violence places children at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.

### **1.2.4 Neglect**

Neglect is the failure to provide a 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.

### **1.2.5 Online spaces**

This Policy, including the Code of Conduct, applies to Online spaces just as it does to physical spaces. TBI staff and volunteers ensure that risks in online spaces are identified and mitigated without compromising a child's right to privacy, access to information, social connections, and learning opportunities.

## **1.3 Empowering Our Children**

Children expect and deserve to be protected at TBI and TBI is committed to protecting our children.

As a part of the teaching curriculum, age appropriate education, training and communication about the rights of a child to feel and be safe when participating in our activities will be provided to our children.

TBI aims to empower children with knowledge about their rights and to provide a means for accessible reporting of allegations of abuse.

Empowerment of children is important but this does not imply children are responsible for their own safety.

Upon registering or enrolling in a program, a copy of this Policy will be given to each family.

Contact details of help lines and support services will be provided to families and listed on TBI's website – [tbi.org.au](http://tbi.org.au) and is on page 19 of this document.

Input and feedback from, and consultation with, children, young people, and families is welcomed and encouraged. This process helps TBI to remain responsive to the changing needs of children and young people, and strengthens the community's confidence and engagement, which further empowers our children.

## **1.4 Equity and Diversity**

TBI upholds equity and respects the diverse needs of children and young people. Particular attention is paid to 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 LGBTIQ+.

TBI is committed to ensuring that children have the ability to express their culture and enjoy their cultural rights.

TBI acknowledges and appreciates the strengths of Aboriginal culture and understands its importance to the wellbeing and safety of Aboriginal children and young people. TBI supports and encourages participation and inclusion by Aboriginal and Torres Strait Islander children, young people, and their families.

TBI will not tolerate racism. All individuals under the scope of this policy who identify instances of racism should alert senior management. Staff should be trained in acceptable behaviour, cultural sensitivity, and the importance of the organization continuing to be a culturally safe and inclusive environment.

TBI will ensure that processes are in place by which children, young people, and their families can register concerns or complaints.

## **2. REPORTING CONCERNS**

TBI encourages **all persons** to **immediately** report all concerns, disclosures, indicators of abuse and inappropriate behaviour, as defined in the Code of Conduct set out in section 3, to enable appropriate action to be taken to facilitate the wellbeing and safety of children.

Reports of an allegation of abuse must be handled in a sensitive, confidential and professional manner ensuring procedural fairness. Reporting must be adhered to by our rabbinic and cantorial staff (clergy) and anyone who is defined as a Mandatory Reporter.

If any allegation of abuse involves an Aboriginal child, a culturally appropriate response is required. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisation to review policies and procedures.

There should be an awareness that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. Sensitivity is required for these issues and to meet people's needs where possible, such as having an interpreter present who could be a friend or family member.

Some children with a disability may experience barriers in disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters.

If someone does not feel comfortable reporting an issue within TBI, TBI encourages them to contact external agencies, such as Kids Help Line (<https://kidshelpline.com.au/>, 1800 55 1800).

TBI encourages **all persons**, who believe on reasonable grounds that a child is in need of protection to report their concerns to the Department of Families Fairness & Housing Child Protection Unit (**DFFH Child Protection**), Victoria Police or Orange Door.

Contact details in relation to DFFH Child Protection and Orange Door are contained in *Appendix 4*.

## 2.1 Mandatory Reporting

Mandatory Reporters **must** make a report to DFFH Child Protection **as soon as practicable** if, in the course of practicing their profession or carrying out their duties, they form a belief on reasonable grounds that a child is in need of protection as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

The following people are defined as Mandatory Reporters:

- Registered teachers
- Principals or head teachers
- Registered medical practitioners
- Nurses
- Registered psychologists
- Members of the police force

Failure by a Mandatory Reporter to report a belief based on reasonable grounds that a child is in need of protection may render them liable to a criminal offence. See section 2.5 of this Policy in relation to how to make a mandatory report.

## 2.2. Responding to sexual offences

**Any person**, whether a Mandatory Reporter or not, is **required** to report to Victoria Police as soon as practicable if they know or reasonably believe that a sexual offence has been committed by an adult (including a student over 18 years old) against a child under the age of 16. It is a criminal offence to fail to comply with this obligation.

**Any person**, whether a Mandatory Reporter or not, who has the power to reduce or remove a substantial risk that a child may fall victim to a sexual offence committed by an adult **must** not negligently fail to reduce or remove the risk. It is a criminal offence to fail to comply with this obligation.<sup>1</sup>

## 2.3 Children in Need of Protection

**Any person**, whether a Mandatory Reporter or not, may make a report to DFFH Child Protection or Victoria Police if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:

- The child has been abandoned and there is no other suitable person who is willing and able to care for the child.
- The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.
- The child has suffered or is likely to suffer significant harm as a result of physical injury, sexual abuse, emotional harm or psychological harm and the parents are unable or unwilling to protect the child.
- The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.

In addition to the above, **any person** may make a report to DFFH Child Protection or Orange Door if they have significant concerns of the wellbeing of a child.

### 2.3.1 Child in need of therapeutic treatment

**Any person** may make a report to DFFH Child Protection if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.

A child will have exhibited sexually abusive behaviours when they have used their power, authority or status to engage another person (including another child) in sexual activity that is either unwanted or where, due to the nature of the situation, the other person is not capable of giving consent (for example young children or persons with cognitive impairment). Sexually-abusive behaviours may also involve animals.

## 2.4 Reportable Conduct Scheme Victoria

In the case where the person in a relevant position of authority at TBI becomes aware of an allegation of reportable conduct involving staff or a volunteer, he or she will need to report certain information to the Commission for Children and Young People and ensure appropriate investigation of the allegation.

Specifically:

- Within three business days of becoming aware of a reportable allegation, the person in the relevant position of authority must notify the Commission for Children and Young People that a reportable allegation has been made against one of TBI's staff or volunteers.
- Within 30 calendar days, the person in the relevant position of authority must provide certain detailed information about the allegations and the proposed response.
- It is a criminal offence for the person in the relevant position of authority to fail to comply with the three day and 30 day notification obligations without a reasonable cause.

Reportable conduct under the scheme will include allegations against staff or volunteers of child abuse and misconduct involving children. Reportable conduct would include sexual misconduct or offences, grooming, sexting, inappropriate physical contact with a child or other conduct that crosses professional boundaries concerning children.

Any allegations of criminal conduct must be reported to Victoria Police as a first priority.

At the conclusion of the investigation, any findings and reasons for the outcome of an investigation must be reported to the Commission for Children and Young People.

Any employment action taken by TBI against staff or a volunteer will need to be in accordance with existing employment laws, including relevant legislation, industrial agreements and employment contracts.

## 2.5 Making a Report

Set out below is a step by step process for reporting allegations or instances of abuse, neglect or inappropriate behaviour, including a mandatory report.

Step	Description
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1	<p>The reporter should keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• Description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• Source of those concerns (e.g. observation, report from child or another person)</li> <li>• Actions taken as a result of the concerns (e.g. report to DFFH Child Protection)</li> </ul>
2	<p>The reporter should immediately discuss any concerns about the safety and wellbeing of a child with a member of the TBI leadership team (i.e. relevant supervisor, Board President or Board Member) and a member of the Rabbinic team (i.e. Rabbis or Cantors). The reporter should then make their own assessment about whether they must or may make a report about the child.</p>
3	<p>The reporter should gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>• Full name, date of birth, and residential address of the child</li> <li>• Details of the concerns and the reasons for those concerns</li> <li>• The reporter’s involvement with the child</li> <li>• Details of any other agencies who may be involved with the child.</li> </ul>
4	<p>Make a report to the relevant agency (see contact details at <i>Appendix 4</i>)</p>
5	<p>Make a written record of the report which includes the following information:</p> <ul style="list-style-type: none"> <li>• The date and time of the report and a summary of what was reported</li> <li>• The name and position of the person who made the report and the person who received the report</li> </ul>
6	<p>Notify a member of the TBI leadership team (i.e. relevant supervisor, Board President or Board Member) and a member of the Rabbinic team (i.e. Rabbis or Cantors).</p> <p>Where the notification is made verbally, the member of the TBI leadership team and the member of the Rabbinic team must correspond in writing, confirming the verbal report received, noting the identity of the reporter, details of the report and the next steps to be taken.</p>
7	<p>Notify Victoria Police if there is concern that a criminal offence may have been committed.</p>

When two or more Mandatory Reporters have formed a belief about the same child on the same occasion, regardless of whether one person has reported their belief to DFFH Child Protection, each individual Mandatory Reporter retains their legal and personal obligation to ensure that their own report is made, and their concerns are reported.

In the case where one Mandatory Reporter directs another Mandatory Reporter NOT to make a report, and that professional continues to hold a belief that a child is in need of protection, then that professional



remains legally obliged to make a report to DFFH Child Protection and/or Victoria Police.

The Jewish Law of *mesira* (reporting to a non-Jewish authority) does not apply when it comes to child abuse and neglect, as State law overrides this rabbinic concept. Furthermore, Judaism teaches us that this only applies to an Anti-Semitic government. The rabbinic concept of *dina d'malchuta dina* (the law of the land is the law) means that we are governed, as Jewish community, by State and Federal Law. Protecting our children falls under the *mitzvah* of *pikruach nefesh* (saving a life).

TBI is committed to responding promptly to reports, disclosures or concerns related to this Policy.

## 2.6 Confidentiality and Record Keeping

### 2.6.1 Confidentiality of a Complaint or Grievance

Whether or not a complaint will be kept confidential will depend on the circumstances, including the nature of the complaint, its seriousness, and the views of the person making the complaint.

For privacy reasons, when notification of a grievance or complaint has been received by TBI, unless the consent of the parties has first been obtained, TBI's Rabbinic and Leadership teams must not disclose the names of any of the parties involved or the particulars of the allegations that have been raised to any of the named parties, although the general nature of the grievance and complaint may be provided.

However, in many circumstances, disclosure may be necessary in order to ensure that the grievance can be dealt with properly and fairly.

TBI's Rabbinic and Leadership teams are committed to keeping an accurate record of the complaint or grievance and undertaking steps to resolve the issue and reach a final outcome.

### 2.6.2 Confidentiality of a Mandatory Reporter

The name of a Mandatory Reporter, or any information that is likely to lead to the identification of a Mandatory Reporter, will not be disclosed unless:

- The Mandatory Reporter chooses to inform the child or family of a report
- The Mandatory Reporter consents in writing to their identity being disclosed
- A Court or tribunal decides that it is necessary for the identity of the Mandatory Reporter to be disclosed to ensure the safety and wellbeing of the child
- A court or tribunal decides that, in the interests of justice, the Mandatory Reporter is required to attend court to provide evidence.

Where a mandatory report is made in good faith, it will not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter and he/she cannot be held legally liable in respect of the mandatory report or have their employment terminated on these grounds.

### 2.6.3 Record Keeping

TBI stores all reports relating to grievances, complaints and the outcome of any dispute in a confidential and secure place.

## 2.7 Complaint and Grievance Procedure

### Disclosure

- Members of the TBI community are to discuss concerns or disclosures with at least two of either the relevant supervisor, a member of the Rabbinic team or a Board Member.
- Where the notification is made verbally, the member of the TBI leadership team and the member of the Rabbinic team must correspond in writing, confirming the verbal report received, noting the identity of the reporter, details of the report and the next steps to be taken.
- Confidentiality and privacy of the child and family must be respected
- Debriefing and counselling is to be offered and provided as necessary
- The person bringing the concern or disclosure should follow up with the relevant supervisor, member of the Rabbinic team or Board Member to ensure concerns or disclosures are acted upon
- TBI is committed to managing each case confidentially to ensure fair and effective process

### **Action**

Action may include, but is not limited to, the following:

- Taking appropriate steps to protect the child
- Distancing the alleged perpetrator from the child, including suspending that person from duties
- Consulting the relevant child protection organisation for advice and information (for example DFFH Child Protection or Orange Door)
- Notifying Victoria Police
- Contacting the child's parent/s or guardian/s
- Making an appointment or referral for the child at appropriate medical and/or counselling services, which may include obtaining the parent/guardian's agreement.

### **Potential Consequences**

DFFH Child Protection, Orange Door and/or Victoria Police may:

- conduct interviews with the children without the parent's knowledge or consent
- request information about the child or family for the purpose of investigating a report and assessing the risk to the child
- make a Protection Application in the Children's Court of Victoria and any party to the application may be issued a Witness Summons to produce documents and/or to give evidence in proceedings.

## **3. CODE OF CONDUCT**

All members of the TBI community are expected to identify and minimise risk of child abuse, and act professionally and appropriately at all times, including towards children.

## 3.1 Identifying and Minimising Risk

TBI seeks to provide practical guidance to all members of the TBI community (including staff, volunteers, parents and visitors) about acceptable and non-acceptable behaviour in order to minimise the risk of child abuse occurring within the organisation and at all TBI sanctioned events.

TBI requires all teachers and professional staff working with children to have a current Working with Children Check.

All members of the TBI community are required to:

- conduct themselves in a manner consistent with being a positive role model to children;
- follow this Policy and all other policies or directions relating to the safety and security of children;
- enter into a *brit* with TBI, agreeing to act in accordance with this Policy;
- promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children (for example, by never questioning an Aboriginal and Torres Strait Islander child's self-identification) as well as children with culturally and/or linguistically diverse backgrounds;
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- treat children with respect and be aware of children's reactions to tone of voice and manner; and
- immediately raise concerns, issues and problems about a child's wellbeing and safety with a member of the TBI leadership team (i.e. relevant supervisor, Board President or Board Member) and a member of the Rabbinic team.
- Where the notification is made verbally, the member of the TBI leadership team and the member of the Rabbinic team must correspond in writing, confirming the verbal report received, noting the identity of the reporter, details of the report and the next steps to be taken.

All allegations or suspicions of abuse are to be reported, recorded and acted upon in a confidential manner in accordance with the obligations set out in this Policy and by law.

### 3.1.1 Integrating Code of Conduct

All TBI staff members, volunteers and the Board of Governance must read this Policy, which incorporates the Code of Conduct and either sign a copy of the Policy, or send electronic confirmation of having read it to their direct supervisor or the Secretary of the Board or the person responsible for the program they are volunteering for.

Training sessions will be provided to TBI staff members and volunteers in relation to understanding, recognising and responding to abuse and neglect and understanding the Policy and Code of Conduct.

This Policy, including the Code of Conduct, will be made available to families through the TBI website

and copies given as requested.

## 3.2 Appropriate Conduct and Behaviour

### 3.2.1 Teaching and Tutoring

- It is preferable that teaching and tutoring at TBI takes place in open spaces where possible. If teaching or tutoring is to take place in classrooms, it should be in view of, or near, other adults.
- Teachers, tutors and students must not be alone, in a ratio of 1:1, outside of the teaching context. For example, an adult cannot take one student alone to run an errand.
- If tutoring occurs offsite, tutors are required to have a parent or guardian present during the tutoring session. Tutoring should be conducted in an open room, such as a dining room, not a room with a closed door such as a bedroom.
- TBI staff should not provide separate personalised services whether paid or voluntary to a TBI family, for example babysitting or tutoring unrelated to TBI.
- In the event that parent/s or guardian/s engage a member of the TBI community for private teaching or tutoring, those activities will be considered separate and distinct from TBI. In particular, the relevant parent/s or guardian/s must not rely on the Working with Children and Police checks conducted by TBI. TBI recommends the relevant parent/s or guardian/s conduct their own individual assessments as to an individual's fitness to work with children.
- If tutoring takes place online, for example via Zoom, we encourage the parents to check in with the child and the tutor at the start or end of the tutoring session.

### 3.2.2 Chaggim and School activities

- During Chaggim (Festival) and family programs, more than one adult must be on duty. Some programs may require a parent, guardian or another adult to accompany a child.
- Overnight activities such as the teen Sukkot sleepover are to occur only with the authorisation of the Rabbis, Cantors or Board of Governance, and with the consent of the parent or guardian of the child.
- Standards of conduct that must be observed by those in a position of authority during overnight activities include:
  - providing children with privacy when bathing and dressing
  - observing appropriate dress standards when children are present such as no exposure to adult nudity
  - ensuring the child is not exposed to pornography, sexually explicit material or material classified beyond the child's developmental age
  - ensuring the child is not left under the supervision or protection of unauthorised persons
  - ensuring sleeping arrangements do not compromise the safety of children (such as, an adult sharing a bed with a child)
  - ensuring children are readily able to contact their parent, guardian or another trusted adult if they feel unsafe, uncomfortable or distressed during their stay.
- Excursions require permission from parent/s or guardian/s and when necessary a responsible adult (non-staff member) to accompany the child.

- Netzer is governed by the Australian Zionist Youth Council Policy unless there is a section of TBI's Policy that is more stringent.

### **3.2.3 Touching**

TBI does not seek to ban physical contact between children and staff. At all times the physical contact must be appropriate to the child and within context.

Whilst a teacher or tutor should refrain from touching a student or child, there may be times when contact in an appropriate way is beneficial. Examples of appropriate touching include a hand shake, high five or fist bump to encourage a student, or comforting a distressed child by picking him/ her up or giving a hug.

However, contact with students must remain professional and appropriate at all times. A child should not be encouraged to break their comfort zone.

#### **Touching guidelines**

The following guidelines will assist members of the TBI community with understanding the appropriateness of physical contact with students of different ages:

- preschool- physical contact with students to assist with changing clothes, toileting or to comfort a distressed child
- junior school - physical contact with students to assist with changing clothes, or to comfort a distressed child
- years 3-4 - physical contact with students to comfort a distressed child. It is advisable to ask the student beforehand, for example "do you want a hug?"
- years 5-12 - physical contact with students not normally required

Handshakes, high fives, fist bumps or similar hand to hand contact is acceptable at any age.

If a student is to be hugged, this should only occur when other students or staff are present.

If touch can be replaced by verbal instructions then this should happen.

Staff may touch students to administer first aid.

#### **Touching during activities**

In activities conducted by TBI, either on TBI premises or offsite, such as Israeli dancing, cooking, shofar factory and other like activities, some physical contact may be required to assist with a particular movement.

TBI members, should only touch a child with the agreement of the child. TBI members should take care in relation to where they touch children i.e., not near any private areas. Touching should only occur when other students or staff are present and/or in physical spaces that are clearly observable at all times.

#### **Unacceptable physical contact**

Under no circumstances should any TBI community member including teachers, tutors, peers, staff members or volunteers have physical contact with a student or child that:

- includes touching genitals, breasts or buttocks unless it is a medical emergency and such touching is carried out by an appropriate professional

- would appear to a reasonable person to have a sexual connotation or purpose
- is intended to cause pain or distress to the student or child e.g. physical punishment
- is overly physical including roughhousing, tickling or wrestling
- is unnecessary for the age, stage or physical needs of the student or child e.g. assisting with toileting or showering when not required
- is initiated against the wishes of the student or child, with the exception that such contact is necessary to prevent immediate harm or injury to the child or to another person.

Physical restraint is not acceptable, except as use as a last resort to respond to the immediate risk of injury or harm to the student, or others.

### **3.2.4 Peer to Peer Relationships**

Peer to peer relationships are part of any youth program, and TBI encourages friendships between peers, as this helps children and young people to feel safe and be less isolated. TBI is committed to ensuring that sexual assault and violence between young people is prevented. TBI does not seek to ban touching between peers, however touching must be in context, age appropriate and non-sexual.

Unwanted sexual behaviours include, but are not limited to:

- sexual harassment
- sexualised bullying
- sexting
- unwanted kissing and sexual touching
- sexual pressure and coercion
- sexual assault, including rape

### **3.2.5 Bullying**

All forms of bullying, including, but not limited to, physical, verbal or cyber bullying are unacceptable.

If a TBI community member is a victim of, or witnesses, any form of bullying, they should report the bullying to the relevant supervisor, teacher, youth leader, Rabbi or Board Member.

### **3.2.6 Abuse and Assault**

Any form of abuse or assault, including but not limited to the types of abuse outlined in section 1.2, will not be tolerated and will be dealt with in accordance with this Policy.

### **3.2.7 Photography**

TBI acknowledges that images of children can be used inappropriately or illegally.

The following rules apply to the taking of images of children by TBI community members:

- consider obtaining the permission of the child's parent or guardian before taking an image of a child and ensure that the parent knows the way the image will be used

- only use appropriate images of a child and ensure that the child is suitably clothed
- do not allow the use of camera phones, videos and cameras inside changing areas, showers and toilets
- where an image of a child is used, the image should not display identifying personal information such as residential address, email address or telephone numbers
- ensure that all photographers/videographers seeking permission or accreditation to act as photographers at any TBI events or activities which involve the participation of children have undertaken the relevant Working with Children Check or appropriate accreditation
- ensure that the photographer/videographer has a copy of TBI's Policy guidelines for photography/videography and abides by them
- ensure that any image or video is taken in the presence of other responsible adults
- ensure images (digital or hard copy) which unintentionally reveal private body parts are destroyed or deleted.

### **3.2.8 Drugs and Alcohol**

The supply of drugs or alcohol to children is a criminal offence and is prohibited. The supply, possession or taking of illicit drugs whilst at a TBI sanctioned event is prohibited.

### **3.2.9 Transporting Children**

TBI staff and volunteers are discouraged from transporting children, other than their own children, to or from TBI sanctioned events.

TBI strongly discourages TBI staff and volunteers from being alone in a vehicle or other form of transport with children. At all times at least two adults should accompany the transportation of a child.

Only in the case of an emergency, when all possible other options have been explored and a third person is not available, are TBI's representatives permitted to transport a child alone. When this occurs it needs to be communicated to the parent or guardian and to another TBI staff member or volunteer before the journey takes place.

***IMPORTANT: TBI has a zero tolerance policy in relation to the consumption of drugs and alcohol when transporting children.***

### **3.2.10 Communications**

All TBI community members, including teachers, staff and volunteers, must refrain from making any sexually suggestive comments or use inappropriate language to a student or child.

- Personal contact details should not be exchanged or initiated with a student or child.
- In the event that a teacher or tutor is required to communicate with a student via email or SMS, a relevant staff member or parent/ guardian must be copied in on the communication.
- Teachers must only communicate with students via email using TBI email accounts.
- Communication between teachers and students should not be made via private email accounts.

There must be no secret communications.

- In cases of interaction via social network sites, a parent / guardian must be copied in to any communication, or otherwise provided with a copy of any communication.
- The posting of photographs of minors on social network sites may only be done with the permission of a parent / guardian. Children should not be "tagged" by name, or otherwise identified by name on social network sites.

### **3.2.11 Gift Giving/Favouritism**

The giving of gifts by a TBI community member to a child whom they supervise is prohibited. No favouritism or special treatment should be shown to one child.

An exception to the above guidelines is that appropriate gifts may be given on attendance at a social function, for example a bar or bat mitzvah. In this forum the gift is part of social etiquette and does not signify special treatment. It is therefore unlikely that this gift giving will be misinterpreted by the child or others, or used for the purposes of grooming a child for sexual abuse.

### **Grooming**

Child grooming comprises actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in order to sexually abuse the child. Grooming may also involve befriending and gaining the loyalty and the trust of the child's (victim's) family.

Adults who communicate with children under the age of 16 (who are under the care, supervision or authority of that adult) must not do so with the intention of facilitating the child's involvement in a sexual offence with another person. It is a criminal offence to fail to comply with this obligation.

### **3.2.12 Acceptable Boundaries/Attending Private Functions**

All TBI staff and volunteers must limit all contact with children to what is reasonably required as part of TBI sanctioned events or business.

For example, meeting or contacting children outside of TBI business is not permitted and meeting alone with children is not permitted.

## **3.3 Online Teaching and Interacting**

Where possible, all teaching, tutoring and child interactions should occur in accordance with clause 3.2.1 of this policy, however, TBI acknowledges that sometimes this is not possible and it is necessary for teaching and tutoring to take place in an online space. This may be necessary where the child lives a long distance from TBI, including overseas, and also when State and Federal Restrictions are implemented to address a State of Emergency or State of Disaster.

### **3.3.1 Online Teaching and Tutoring**

A teacher or tutor is only permitted to tutor a child online when directed to do so by TBI, or otherwise with the permission of TBI and the child's parent/guardian. Where TBI gives permission for online tutoring to take place, the following process is to be followed:

- A tutor must be given a TBI email address to use for online child related interactions;
- All online tutoring and teaching sessions or contact must be conducted over Google Meet, Zoom, Microsoft Teams or other platform as directed by TBI from time to time;



- The tutor must notify the child's parent/guardian of the time and date of the tutoring or teaching session, provide the child's parent/guardian with an invitation to join the online session and encourage them to do so (whether as a virtual attendee, or by sitting next to or near the child during the online interactions).
- TBI's Binah or Tamid Co-ordinator is to be included on the invitation for the online session;
- The online session may be recorded, and if it is, a copy of the recording will be sent to all invitees, including the tutor, the child, the child's parent/guardian and TBI's Binah or Tamid Co-ordinator.
- TBI's Binah or Tamid Co-ordinator is to observe all or part of the online teaching and tutoring sessions at random, and provide feedback to the tutor in relation to their sessions.

### **3.3.2 TBI Programs and Initiatives involving children outside of TBI's congregation**

TBI participates in, or may participate in, various initiatives that involve online interaction with children outside of TBI's congregation. One such program is the Click & Connect Program, which involves TBI volunteers interacting with children in Israel with the aim of assisting those children to learn English.

The following provisions apply to all programs and initiatives which involve online interaction with children from outside TBI's congregation:

- TBI volunteers or staff must be onsite at TBI (or any other location as directed by TBI), and in a group of no less than 2, plus a supervisor, when interacting with children outside of TBI's congregation;
- TBI volunteers or staff must be supervised by the program coordinator, a member of TBI staff or such other person as nominated by TBI from time to time, while interacting with children outside of TBI's congregation;
- Where possible, the children should be in a group environment (such as a classroom) and supervised by the program coordinator in their location;
- If the children are unable to be in a group environment, TBI volunteers can communicate with a child in their home, provided the child's parent and the program coordinator at the child's location has been notified and has consented to such interaction.

### **3.3.3 Avoiding 1to 1 Interaction**

All tutors, teachers, TBI staff and volunteers are to avoid 1 to 1 interaction with children via live video or audio, where possible.

Where 1to1 interaction is not avoidable, the following steps must be taken:

- Prior to the interaction, there must be written correspondence confirming scheduling and behavioural expectations;
- Permission must be given by TBI;
- Parent/guardian consent must be obtained, in writing;
- The TBI representative should ensure there will be a responsible adult at home with the child at the time; and
- The TBI representative must ensure that a contact person is available in case either participant has concerns during the session.

### **3.3.4 Visual Standards**

When engaging with children online, TBI staff and volunteers are to adhere to the following visual standards:

- Both the adult and child must be fully dressed in suitable attire, being attire they would ordinarily wear if the interactions were taking place onsite at TBI;
- The adult must not be wearing any clothing or accessories depicting inappropriate content or themes, including but not limited to alcohol, drugs, coarse language or sexual themes;
- The adult must ensure that they are in a quiet space where other voices will not be heard in the background;
- The adult must ensure that no alcohol or pictures or objects depicting alcohol, drugs, coarse language or sexual themes are visible within the screen;
- Where possible, the adult must ensure the interaction takes place against the backdrop of a blank wall, away from all windows, doors and walkways; and
- Where possible, the adult must remove any personal photographs and other personal items from sight.

### **3.3.5 No Limitation**

For the avoidance of doubt, this section 3.3 is to be read in conjunction with the balance of this policy and all other child safety measures and policies remain in force for all online interactions.

## **4 HIRING OF STAFF AND VOLUNTEERS**

This Policy is to be included in the induction, employment and hiring procedure for the Board of Governance, staff and volunteers. The Policy will be available on the TBI website and a copy provided upon request.

Within two weeks of commencing with TBI, all staff are required to read this Policy, which incorporates the Code of Conduct, and either sign a copy of the Policy, or send electronic confirmation of having read it to their direct supervisor, thereby acknowledging that they understand and agree to abide by the Policy and Code of Conduct. Volunteers engaging in child related work must also read and sign this Policy, or send electronic confirmation of having read it to the organiser of the program they are volunteering for.

It is TBI's responsibility to provide guidance and understanding of this Policy.

### **4.1.1 Position Description, Recruitment**

TBI takes the following steps when recruiting staff and appointing volunteers to increase the likelihood of a safe environment for children:

- Written position descriptions and key selection criteria are provided for each position
- All employment advertisements include the notification that a satisfactory Criminal History Check and Working with Children Check is required as a prerequisite to employment
- Vacancies are widely advertised

### **4.1.2 Interview Process and Screening**

The interview process requires the involvement and input of at least one person with child protection training. Sample interview questions are contained in *Appendix 2*.

Applicants are informed that TBI is vigilant in the protection of children.

### **Reference and Identity Checks**

TBI conducts a minimum of two reference checks for a preferred applicant including an identity check and employment history. (See *Appendix 3* for Sample Questions)

### **Police and Working with Children Checks**

TBI requires a current police check and Working with Children Check to be completed in relation to all staff in accordance with existing national standards. TBI may review police checks and Working with Children Checks from time to time.

In any event, Police checks should be reviewed at least every three years, and Working with Children Checks are required to be renewed every five years.

### **Volunteer Recruitment**

- TBI values the support, supervision and training of volunteers as a mechanism for volunteer development and as a tool to protect children. To this end, TBI has developed Volunteer Guidelines. Depending on the particular circumstance, TBI may, at its discretion, require referees in relation to volunteers.
- Interviews will be conducted to understand volunteer motivations and to appropriately screen prospective volunteers.
- Volunteers will be reviewed and undergo evaluations regularly.

### **Induction and Education**

TBI will provide staff induction training and education in relation to this Policy in respect of each staff member or volunteer working with children, making them aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.

## **5 HISTORICAL CASES**

TBI is aware that TBI community members, or other persons involved with TBI, may have a historical grievance, complaint or allegation.

On hearing a historical grievance, complaint or allegation, TBI is committed to acting with natural justice and listening without bias. At all stages, the complainant will be heard without judgement and will be treated with respect.

TBI may undertake the following steps, amongst others, in response to a historical grievance, complaint or allegation:

- Provide an apology
- Offer appropriate counselling
- Make a report to a relevant agency, including a mandatory report

- Other appropriate action

## **6 POLICY AND CODE EVALUATION AND REVIEW**

TBI is committed to evaluating and reviewing this Policy annually or from time to time. Amendments will be presented to the Board of Governance for ratification.

This Policy and Code of Conduct will be reviewed by identifying:

- significant experiences in the past year relating to the Policy and Code of Conduct
- significant problems in the Policy and Code of Conduct which arose during these experiences
- significant functional issues in relation to the Policy and Code of Conduct

Input will be sought from the TBI community, including staff, volunteers, parents and Board Members.

# Appendix 1: Services and Resources

## Information for Children

Child Abuse Prevention Service Helpline: 1800 688 009 (toll free)

Kids Help Line (24hr) 1800 551 800

Sexual Assault Domestic Violence help lines: 1800 Respect or 1800 737 732 to talk to someone immediately.

## Resources for Parents and Teachers:

### Age Appropriate Resources

#### For Pre-School Aged Children:

"It's MY Body: A Book to Teach Young Children How to Resist Uncomfortable Touch" by Lory Freeman. The book helps pre-school children learn safe boundaries, how to distinguish between "good" and "bad" touch and how to respond appropriately to unwanted touch. It does not mention genitals or any sexual reference. It empowers a child to share their bodies on their terms.

#### For Mid To Latter Primary School Aged Children:

"Some Secrets Should Never be Kept - A Children's Picture Book to Keep Kids Safe From Sexual Abuse" by Jayneen Sanders. This book is written as a parable. If interested go to [somesecrets.info](http://somesecrets.info)

For SECASA's "Feeling Safe Together" Schools Program:

[http://www.secasa.com.au/services/feeling\\_safe-together/](http://www.secasa.com.au/services/feeling_safe-together/)

#### For Teenagers

See SECASA's "Respect Protect Connect" Schools Program as well as access to some other fantastic resources and information sheets.

<http://www.secasa.com.au/services/feeling-safe-together/>

#### Additional Resources and Support

The Royal Commission into Institutional Responses to Child Sexual abuse has further information and a list of support services in your area, please see

<http://www.childabuseroyalcommission.gov.au/support-services.as:px>

#### Talking to your Child

- Talk openly and informally, and start at an early age.
- Teach your child about body ownership and boundaries.
- Tell your child that their body belongs to them and that no one is allowed to touch their private body parts.
- Always use the correct name for private body parts when you refer to them.

- Teach your child what constitutes appropriate/inappropriate touch.
- Teach your child that it is ok for them to tell someone NO if they make them feel uncomfortable.
- Teach your child to tell you if someone touches or tries to touch them inappropriately. We highly recommend the book '[Some secrets should never be kept](#)'.  
[Some secrets should never be kept](#)
- Answer your child directly and age-appropriately if/when they ask you questions about sex.
- One conversation is not enough; revisit the topic intermittently.

### **A Safe Environment**

You, as parents, must always be aware of the whereabouts of your child and who they are with.

- Be alert about any signs of grooming.
- Reduce/eliminate situations where your child is alone with one adult. If/where these situations occur, make it known that you and your child are educated on issues of child sexual abuse.
- A sexual predator can be anyone you know, and often a sexual predator is a person that the child knows and trusts.
- Always listen attentively to your child. Let your child know through your actions, not just through your words, that they will be heard.
- Always pay close attention to your child. Take time to be with your child and notice their different moods and feelings. Encourage your child to verbalise their feelings.

### **Disclaimer**

TBI has been granted permission to use these guidelines which have been developed by Tzedek to be used as a guide only and do not represent legal or professional advice. The materials supplied by Tzedek are provided voluntarily as a public service. The information and advice provided is made available in good faith but is provided solely on the basis that readers and organisations, together with their employees and volunteers, will be responsible to make their own assessment of the matters discussed herein and are advised to verify to their own satisfaction all relevant representations, statements and information. Tzedek and TBI do not accept liability for any injury, loss or damage incurred by reliance on the information herein or advice provided by it.

### **Third party use of this policy**

Any organisation wishing to use all or part of TBI's policy is asked to make a request to the TBI Board in writing that they be permitted to do so. They are then further requested to acknowledge TBI's development of this policy when using the document for their own purposes.

## **Appendix 2: Sample Interview Questions**

In addition to the questions you normally ask volunteers and staff, below are some sample interview questions. Case studies or scenarios can provide examples of the candidates thought process and reveal values and beliefs about the treatment of children.

1. What do you find most rewarding about working with children and young people? (Provide an example).

2. What do you find most challenging about working with children and young people?
3. Can you give an example of a challenging situation with a child or young person that you feel you have handled well? What happened and what you have learnt from it? What would you handle differently if the same or a similar situation arose again?
4. Can you tell me about a situation when you had to handle a child who was angry and lashing out physically at you or another program participant? Was distressed and required comforting? Was uncooperative and refused to participate in an organisational activity? How would you deal with a young person or child who was yelling at you? Disobeying you?
5. Provide an example that demonstrates how you respond to responsibility.
6. Have you undertaken any child protection training? If so in what context? What are the key messages from the training you undertook?
7. Are there any children or young people you particularly like to work with and why?
8. Are there any children or young people you particularly don't like to work with and why?
9. What sort of situations make you feel angry? How do you deal with your feelings of anger or frustration?
  10. Have you ever lost your temper when working with children or young people? What happened? What was the trigger? What was the outcome?
11. How would you handle a child who appears sad and refuses to participate in activities?
  12. How would you handle a situation where a child is injured during the course of an activity e.g. football match?
13. Describe how you deal with stress.
14. What would you do if a young person disclosed, you observed or you suspected that a young person was being abused at home by a family member?
15. What would you do if you thought another adult's behaviour in relation to children was inappropriate, suspicious or outside the boundaries of their role?
16. How do you think your peers, supervisors and referees would describe your previous work with children and young people?
17. Have you ever had any disciplinary action taken against you in relation to working with children and young people?

### **Appendix 3: Sample Questions for Reference Checks**

1. How long have you known the applicant? Nature of reference (personal/professional).
2. What was your relationship to the applicant during the time you worked together?
3. Nature of the work that the applicant undertook
4. Verification of information in resume and information provided at interview point.
5. Applicant's position title in your organisation?
6. Dates of employment
7. Main duties and responsibilities?

8. Assessment of their performance in that role?
9. Weaknesses and strengths?
10. Willingness to seek consult with manager or senior personnel and seek assistance in challenging situations?
11. Suitability to work with children and young people.
12. What experience does the applicant have in working with children and young people? E.g. length of time they worked with children, age, range of children, skills and abilities of children?
13. Do you have any concerns about the applicant working with children in .....describe the context of the role they have applied for ...
14. Are you comfortable in knowing that at times the applicant may be working alone (as the sole adult) with children?
15. In your opinion are there any particular problems that the applicant would face in working with or engaging with children?
16. Are there any age groups he/she may not be suited to work with? If yes, why?
17. Does the applicant use appropriate language when communicating with children?
18. Have you observed the applicant disciplining a child for misbehaviour? If yes, please describe the scenario and the appropriateness of the discipline in this context.
19. Can you tell me about a situation when the applicant had to handle a child who was angry and lashing out physically? Was distressed and required comforting? Was uncooperative and refused to participate?
20. How did the applicant relate to the parent(s) of the children/young people in the context of their work?
21. Does the applicant become angry easily?
22. how does the applicant deal with pressure?
23. How does the applicant deal with a child/young person/staff member or parent who is demanding? Can you give an example?
24. Do you know of any instances when the applicant has demonstrated any inappropriate physical contact with children?
25. Do you know of any instances where the applicant acted outside the boundaries of their defined role?
26. Have there been any findings against the applicant in relation to allegations of inappropriate behaviour towards children or young people?
27. Why did the applicant leave your organisation?
28. Would you be willing to re-employ the applicant in your organisation or another organisation?
29. Is there anything I haven't asked which you think might be important for me to know before employing this applicant to work in a role that has contact with and responsibility for children?



## **Appendix4**

Department of Families Fairness and Housing – Child Protection  
South Division Intake: 1300 655 795  
After hours Child Protection Emergency Service - 13 12 78  
(5.00pm to 9.00am Monday - Friday, 24 hours on weekends and public holidays)

The Orange Door  
1800 271 170

Kids Help Line  
1800 551 800

Temple Beth Israel  
(03) 9510 1488

## **Commission for Children and Young People**

From 1 July 2017, the Commission for Children and Young People will administer a reportable conduct scheme in Victoria. The scheme will improve an oversight of how organisations respond to allegations of child abuse and child-related misconduct by staff and volunteers.

The benefits of the reportable conduct scheme include:

- identifying individuals who pose a risk to children, but do not have a criminal record, and enabling them to be excluded from working with children
- independent oversight of responses to allegations of child abuse and child-related misconduct against staff and volunteers in organisations
- building the capacity of organisations to respond appropriately and effectively to allegations of child abuse and child-related misconduct.

Under the scheme, the Commission of Children and Young People will have the power to:

- monitor organisations' investigations of abuse or misconduct and report on trends
- share information with key organisations, such as the Working with Children Check Unit and certain professional registration bodies, to improve child safety
  - inquire into the safety systems of organisations engaged in child-related work and
- share relevant information to better protect children from risks of abuse.

**Contact: Webform [ccyp.vic.gov.au](http://ccyp.vic.gov.au)**