

NORTH SHORE TEMPLE EMANUEL PROMOTE CHILD SAFETY IN THE WORKPLACE POLICY

Title	Promote child safety in the workplace policy	Number:	
Approved by	Board of directors 23 November 2020		
Status	Replaces omnibus child protection September 2020 (which was approved 10 December 2018; updated October 2019, Feb 2020, September 2020 and which replaced 2012 policy)		
Original Issue Date:	23 November 2020; updated with new President 2021	Last Amended:	
		Next Review: Nov 2022	

North Shore Temple Emanuel is a Progressive, egalitarian congregation that celebrates the spirit and contribution of each and every member.

Preamble

Children have a fundamental right to be safe and to grow and develop in environments that are free from violence, exploitation and harm. The safety and protection of children requires a commitment from all levels of the community. At the same time, the community has clear expectations that children will be protected from all forms of harm including sexual, physical and psychological harm as well as ill-treatment and neglect. North Shore Temple Emanuel (the Synagogue) is supportive of these expectations and strives to promote the safety and protection of children.

Related Legislation

Children's Guardian Act 2019 (NSW)

Child Protection (Working with Children) Act 2012 (NSW)

Child Protection (Working with Children) Regulation 2013 (NSW)

Related Documentation

Identify and Respond to Child Abuse and Neglect Policy

Child Protection Records and Information Exchange Policy

Code of Conduct

Introduction

In accordance with relevant NSW legislation, the Synagogue is required to ensure the safety

of children receiving its services by following legislative requirements for screening of employees, contractors, and volunteers who provide services to children and addressing all allegations of inappropriate behaviour towards children involving Synagogue staff, contractors, and volunteers.

Statement of Principles

1. The Synagogue is proactive in creating safe and supportive environments for children. A safe environment is one where the risk of harm is minimised and children and staff feel safe and secure.
2. The Synagogue is committed to maintaining rigorous and consistent recruitment, screening, selection, induction and training processes to ensure that those engaged in work with children are suitable for such work and pose no apparent risk to them.
3. Where concerns arise about alleged inappropriate behaviour by those engaged to work with children in our community, the Synagogue is committed to maintaining robust systems for identifying and responding to such complaints. In dealing with complaints against staff the Synagogue will uphold the principles of procedural fairness and any findings and actions will be based on a thorough and fair assessment of evidence.
4. The Synagogue is committed to ensuring that all staff, volunteers, children and parents are aware of this policy.

Scope of Policy

This policy applies to:

- All Synagogue employees who, under this policy, include all paid staff, contractors and volunteers who are engaged by the Synagogue in working with children.
- All activities authorised by or under the control of the Synagogue, including those activities undertaken at the Synagogue's premises or away from the Synagogue's premises.

1. Pre-employment screening

- 1.1 All paid workers (employees and contractors) and volunteer leaders involved in the Synagogue's activities relating to direct unsupervised work with children are required to undertake a Working With Children Check:

<https://wwccheck.ccyp.nsw.gov.au/Applicants/Application>.

- 1.2 Applicants for paid and voluntary work with the Synagogue will be advised in advance that working at the Synagogue will require a Working With Children Check clearance.
- 1.3 A copy of the confirmation from the relevant NSW Government Department must be submitted to the Synagogue as part of the application process. The applicant's supervisor must verify the applicant's status against the NSW register, by contacting the Temple Administrator, who will access the required information through the official portal.

- 1.4 In circumstances where a position must be filled urgently, employment may be offered to the applicant conditional upon obtaining a clearance. In such circumstances additional supervision should be provided or unsupervised access to children should be restricted until completion of the screening process.
- 1.5 If the Working With Children Check results in a 'bar' indicating that the applicant is not suitable for child-related work, the Temple Administrator must be informed immediately and the applicant cannot, under any circumstances, be considered for child related activities. This may not preclude the applicant from serving in other, more appropriate roles or Synagogue activities, but the matter must be sent to the Executive for a risk assessment and approval prior to agreeing to any arrangements.
- 1.6 If the applicant has a clearance number indicating they are suitable for child-related work, the recruitment process may proceed. An applicant deemed suitable for child-related work will be required to undertake periodic checks to ensure their ongoing suitability for working with children. Table 1 below sets out the relevant information.

Table 1: Pre-employment screening requirements

Screening Program	Validity	Who	Responsible authority
NSW Working With Children Check	5 years	Employees and volunteers aged 18 years and over.	NSW Office for the Children's Guardian

2. Recruitment and Selection

- 2.1 The Synagogue recognises that rigorous recruitment interviews and reference checking processes prior to employment are important in determining an applicant's suitability for child-related work. The Synagogue requires all interviews and reference checking processes to include questions designed to assess an applicant's suitability for working with children.
- 2.2 In addition to obtaining a Working With Children Check clearance, the following additional precautions will be taken prior to any applicant commencing their involvement in work with children:
 - 2.2.1 Candidates will complete an application form which requests details of referees and permission to contact them (see Appendix 1).
 - 2.2.2 Referees will be checked and spoken to, using an agreed set of questions which have been drafted by the Synagogue. The questions will seek to establish the applicant's suitability for the role or position and the conversation will be documented and retained on file.
 - 2.2.3 Short-listed candidates will be interviewed by an experienced and responsible member of the Synagogue prior to being accepted.

3. Dealing with Complaints

- 3.1 Working with children requires a high level of trust and due to its nature such work is subject to certain scrutiny. The Synagogue has a robust framework in place for

responding to any allegations, information, complaints or concerns about the conduct of an employee involving a child, which may impact on their suitability for working in child-related work.

- 3.2 In this policy 'employee' means any paid staff member, contractor or volunteer. In addition, the term 'allegation' includes any information, complaint or concern involving alleged inappropriate behaviour by an employee towards any child or young person. The allegation may therefore relate to conduct towards a child that is not a child within the Synagogue's community and may also have occurred in the workplace or outside of it.
- 3.3 If a staff member is advised of an allegation involving alleged inappropriate behaviour by another employee towards any child or young person, they must report this information as soon as practicable as follows:
- 3.3.1 **Meah teachers** should report any concerns to the Meah Director, Rabbi Misha Clebaner, who will contact President Julia Selby. If there are reasonable grounds to suspect a child is at risk of significant harm, Rabbi Clebaner must be contacted immediately and these concerns must be reported to the Child Protection Helpline on 132 111 in accordance with the Identify and Respond to Risk of Harm Policy. If the concerns relate to possible criminal conduct, the concerns must also be reported to the local police. The reporting must be done in consultation with Rabbi Misha Clebaner and/or President Julia Selby. The Synagogue's insurance company must also be advised.
- 3.3.2 **Bar/bat mitzvah tutors** should report any concerns to the Senior Rabbi, Rabbi Nicole Roberts, who will contact President Julia Selby. If there are reasonable grounds to suspect a child is at risk of significant harm, Rabbi Roberts must be contacted immediately and these concerns must be reported to the Child Protection Helpline on 132 111 in accordance with the Identify and Respond to Risk of Harm Policy. If the concerns relate to possible criminal conduct, the concerns must also be reported to the local police. The reporting must be done in consultation with Rabbi Roberts and/or President Julia Selby. The Synagogue's insurance company must also be advised.
- 3.3.3 **Employees, volunteers or members** should report any concerns to the Temple Administrator, Lynne Michel, who will contact President Julia Selby. If there are reasonable grounds to suspect a child is at risk of significant harm, Lynne Michel must be contacted immediately and these concerns must be reported to the Child Protection Helpline on 132 111 in accordance with the Identify and Respond to Risk of Harm Policy. If the concerns relate to possible criminal conduct, the concerns must also be reported to the local police. The reporting must be done in consultation with Lynne Michel and/or President Julia Selby. The Synagogue's insurance company must also be advised.
- 3.3.4 **Concerns relating to a member of the clergy**, should be reported to President Julia Selby. If there are reasonable grounds to suspect a child is at risk of significant harm, these concerns must be reported to the Child Protection Helpline on 132 111 in accordance with the Identify and Respond to Risk of Harm Policy. If the concerns relate to possible criminal conduct, the concerns

must also be reported to the local police. The reporting must be done by President Julia Selby. The Synagogue's insurance company must also be advised.

- 3.4 The halachic concepts of *mesirah*, *moser* and *lashon hara* do not apply to the communication and reporting of allegations of child abuse to police and other civil authorities.
- 3.5 Any information regarding the allegation must be documented and sent through to the appropriate person, as soon as possible, using the "Notification of Allegations Form (Appendix 2).
- 3.6 Allegations must be investigated by the Synagogue regardless of their level of seriousness. The extent of the investigation will be determined by the level of seriousness and risk involved in the matter at hand. The Synagogue will make reasonable enquiries to determine appropriate action. The Synagogue also has specific reporting requirements and obligations in the circumstances outlined in table 1 below.

Table 2: Legal reporting requirements

Area	Requirement
Conduct involving abuse or neglect causing possible risk of significant harm	If the alleged conduct is of such a nature that requires a mandatory report to be made to Department of Communities and Justice (DCJ), such report should be made in accordance with the <i>Identify and Respond to Child Abuse and Neglect Policy</i> . The concerns must also be managed in accordance with the principles outlined in that policy.
Conduct involving possible criminal behaviour	If the alleged conduct is of such a nature that it requires a report to be made to the police, such report should be made as soon as possible to the local police.
Conduct involving 'reportable conduct'	<p>If an employee is the subject of a reportable allegation or reportable conviction, the 'head of an entity' (or their delegate) must ensure that the Office of the Children's Guardian is notified within seven business days of becoming aware of a reportable allegation or conviction against an employee of the entity. At the Synagogue the head of entity is the President.</p> <p>A reportable allegation is an allegation involving 'reportable conduct' and a reportable conviction is a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.</p> <p>The Children's Guardian Act 2019 defines reportable conduct as:</p> <ul style="list-style-type: none"> • a sexual offence • sexual misconduct • ill-treatment of a child • neglect of a child • an assault against a child

	<ul style="list-style-type: none"> • an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900; and • behaviour that causes significant emotional or psychological harm to a child.
Sexual offence	<p>A sexual offence is an offence of a sexual nature under a law of NSW, another state/territory, or the Commonwealth committed against, with or in the presence of a child, such as:</p> <ul style="list-style-type: none"> • sexual touching of a child; • a child grooming offence; • production, dissemination or possession of child abuse material. <p>An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of a sexual offence.</p>
Sexual misconduct	<p>Sexual misconduct is any conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence) and provides the following (non-exhaustive) examples:</p> <ul style="list-style-type: none"> • descriptions of sexual acts without a legitimate reason to provide the descriptions; • sexual comments, conversations or communications; • comments to a child that express a desire to act in a sexual manner towards the child, or another child. <p>Note - crossing professional boundaries comes within the scope of the scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).</p>
Ill-treatment	<p>Ill-treatment is conduct towards a child that is:</p> <ul style="list-style-type: none"> • unreasonable; and • seriously inappropriate, improper, inhumane or cruel. <p>Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.</p>
Neglect	<p>Neglect means a significant failure – by a person with parental responsibility for the child, or an authorised carer or an employee if the child is in the employee’s care – to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child that causes or is likely to cause harm to the child.</p> <p>Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child’s physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child or where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.</p>

<p>Behaviour that causes significant emotional or psychological harm to a child</p>	<p>Behaviour that causes significant psychological or emotional harm is conduct that is intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child.</p> <p>For a reportable allegation involving psychological harm, the following elements must be present:</p> <ul style="list-style-type: none"> • an obviously or very clearly unreasonable or serious act or series of acts that the employee knew or ought to have known was unacceptable, and • evidence of psychological harm to the child that is more than transient, including displaying patterns of ‘out of character behaviour’, regression in behaviour, distress, anxiety, physical symptoms or self-harm, and • an alleged causal link between the employee’s conduct and the significant emotional or psychological harm to the child.
<p>Assault</p>	<p>An assault can occur when a person intentionally or recklessly (ie. knows the assault is possible but ignores the risk):</p> <ul style="list-style-type: none"> • applies physical force against a child without lawful justification or excuse - such as hitting, striking, kicking, punching or dragging a child (actual physical force); or • causes a child to apprehend the immediate and unlawful use of physical force against them– such as threatening to physically harm a child through words and/or gestures and regardless of whether the person actually intends to apply any force (apprehension of physical force). <p>Assaults that are, in all the circumstances, trivial or negligible, are exempt from notification – as long as they are investigated under workplace procedures.</p> <p>Generally, physical force that does not result in more than transient injury and which had no potential to result in serious injury – with consideration to the context and circumstances in which the alleged assault took place – would be considered ‘trivial or negligible’.</p>
<p>Serious physical assault</p>	<p>Allegations of ‘serious physical assault’, if proven, must be reported to the OCG for the purpose of the Working With Children Check. Therefore, it is important to obtain the information necessary to determine whether the alleged assault, if proven, will constitute a serious physical assault.</p> <p>A physical assault is not serious where:</p> <ul style="list-style-type: none"> • it only involves minor force; and • it did not, and was not ever likely to, result in serious

	<p>injury.</p> <p>A physical assault is serious where:</p> <ul style="list-style-type: none"> • it results in the child being injured, beyond a type of injury like a minor scratch, bruise or graze; or • it had the potential to result in a serious injury; or • the injury suffered may be minor, but the assault is associated with aggravating circumstances (in this regard, aggravating circumstances might include associated inhumane or demeaning behaviour by the employee, for example kicking a child, pulling a child by grabbing the child around the neck).
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3.7 Where reports must be made to DCJ, the police or other agencies, the Synagogue will ensure, prior to commencing its own investigation, that such action will not interfere with any investigation or follow up being undertaken by such agencies.

3.8 The Synagogue investigation will include:

- Action taken to ensure the immediate safety of children, taking into account risks to all affected parties, in particular children. This may involve employees being directed to take leave, or changes to their duties.
- Action taken to ensure the confidentiality of the employee in the course of taking action, until the outcome of the investigation is determined.
- Contact with child protection authorities and/or the police where required in which case children will not be interviewed by the Synagogue as part of the investigation until the child protection authority and/or police have completed their own responsibilities.
- Gathering of necessary information, which may include interviewing witnesses and obtaining relevant documentation.
- Where appropriate, advice to parents.
- Support to children, witnesses and others affected.
- Support to the employee and an opportunity for them to respond to the allegations.
- Consideration of relevant information before making a finding, which is advised to the employee and where appropriate, to the child and/or their family.
- Review of policies, procedures and practices, and changes to address any systemic factors identified during the investigation.

3.9 The investigation will be completed within a reasonable time, having regard to the principles of procedural fairness and the mandatory considerations outlined below. The head of entity will by 30 calendar days after the head of the entity becomes aware of the reportable allegation, provide either a finalised report to the Children's Guardian or an update or interim report, with reasons the investigation has not been completed and an estimated timeframe for completion.

3.10 At the end of the investigation a report will be provided to the President, the head of entity, with recommended findings.

- 3.11 The head of entity will make a finding based on the evidence obtained by the investigator and consideration of the investigator's recommendations.
- 3.12 A 'finding of reportable conduct' is defined to mean that a reportable allegation has been sustained. The head of entity must make a finding of reportable conduct if satisfied, on the balance of probabilities, that the case against the employee has been proved.
- 3.13 The head of entity will record their consideration of the finding and document this process including confirmation that they have considered all the evidence and provided reasons for either accepting or rejecting the investigator's recommendation/s.
- 3.14 In reaching their decision, the head of entity will have regard to the following:
- 3.14.1 The mandatory considerations of the Children's Guardian Act 2019, in particular whether the reportable allegation relates to conduct that is in breach of established standards applying to the employee having regard to:
- professional standards;
 - the code of conduct, as well as any professional or ethical codes; and
 - accepted community standards.
- 3.14.2 The principles of procedural fairness including:
- considering all relevant factors that the decision-maker has real or constructive knowledge of;
 - giving appropriate weight to factors that have probative value;
 - not assigning weight to irrelevant factors or giving disproportionate weight to factors of little or no substance; and
 - form and document a logical rationale for proposed findings, which logically flow from the evidence and which indicates that it is reasonably open – on the balance of probabilities – to make the proposed decision.
- 3.15 If further information is required to enable a finding to be made, the head of entity may refer the matter back to the investigator for further inquiries. The employee will be informed if this step is required and the likely time frame.
- 3.16 If the finding is other than a finding of reportable conduct (non-adverse finding), the head of entity will inform the employee in writing of the finding and any action that will be taken.
- 3.17 If the head of entity proposes to make a finding of reportable conduct (adverse finding), the following steps will be taken prior to confirming the finding:
- the employee will be informed in writing of the proposal to make the adverse finding;
 - the employee will be provided as much detail about the reasons for the proposed adverse finding as is reasonable; and

- the employee will be provided with an opportunity to make a further submission in response to the proposed finding and reasons.
- 3.18 The head of entity may consider providing the employee with a copy of the report. However, this decision will be made on a case by case basis with careful consideration being given to the rights and welfare of other parties who may be mentioned in the report. The safety, welfare and wellbeing of children will be the paramount consideration.
- 3.19 The employee will be given a reasonable amount of time to make a further submission. The head entity will give genuine consideration to any further submission before making a final decision and will document this process.
- 3.20 When a final decision is made, the employee will be informed in writing.
- 3.21 Outcomes of an investigation may be:
- no further action.
 - disciplinary action against the employee including suspension, caution or termination, bearing in mind that termination of employment or formal warnings need to be supported by a thorough investigation of the allegation against the employee. This information can be used if the employee challenges this decision through industrial/legal pathways.
 - action to reduce or eliminate future risk of inappropriate behaviour, such as training, amendments to policies and procedures.
- 3.22 At the end of the investigation the Synagogue will inform the Children’s Guardian of the investigation findings. The Children’s Guardian will then assess whether the process was procedurally fair and the findings and outcome were appropriate.
- 3.23 The Children’s Guardian will refer any findings of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault to the Children’s Guardian’s Working With Children Check Directorate. Such findings will trigger a risk assessment in relation to the employee’s suitability to work with children as part of the Working With Children Check process. Employees who are subject of such sustained findings will be informed of this.
- 3.24 All documents relating to allegations will be kept confidentially and centrally at the Synagogue by the head of entity separate to employee personnel records. A flag will be located in the employee file to indicate the presence of such an investigation.
- 3.25 The employee subject of allegation and the parents/carers of children affected by the employee’s behaviour have the right to complain to the head of entity if they are unhappy with the conduct of the investigation. A complaint regarding the investigation may also be made to the Children’s Guardian. Nothing prevents an employee or anyone else aggrieved by the process from seeking redress through legal channels.

4. *Communication and training*

- 4.1 All employees are expected to follow the Code of Conduct which sets out the expectations for employees in terms of their interactions with children and young people.
- 4.2 All new employees and volunteers will receive a copy of the Code of Conduct, this Policy and associated procedures.
- 4.3 The Synagogue will hold regular information sessions for staff regarding the expectations for their behaviour in creating and maintaining a safe environment for children.

5. *Contact*

28 Chatswood Avenue
Chatswood
NSW. 2067
Tel (02) 9419 7011
Email: info@nste.org.au

APPENDIX 1 – Interview Questions

Working with Children Interview Questions

The questions asked in this interview may make you feel uncomfortable but they are a necessary part of our child safety policy and must be answered. The answers you provide will be kept confidential where possible but may be divulged to other Staff members and volunteer leaders within the Synagogue.

Why have you applied for this position and why do you feel you are suitable for the role?

Please describe any positive experiences you have had with children or young people

Please describe any negative experiences you have had with children or young people

Have you ever been in a situation where you have disciplined a child or young person, if so how did you handle this situation?

Have you ever been investigated for any reportable conduct allegations, physical violence towards a child or young person or any sexual misconduct or offences towards a child or young person? If so, what were the circumstances?

Is there any other information relating to your suitability for this position, which we should be aware of?

APPENDIX 2 – Notification of Allegations Form

NOTIFICATION OF ALLEGATIONS FORM

This form should be sent to the relevant person (Rabbi Misha Clebaner by Meah teachers; Rabbi Nicole Roberts by Bar/Bat Mitzvah tutors; Lynne Michel Temple Administrator regarding employees or volunteers; Julia Selby, President regarding the clergy or Temple Administrator) and marked as “private and confidential”. All information will be handled with sensitivity and will be investigated appropriately.

COMPLAINANT’S INFORMATION	
Complainant’s name: Complainant’s contact information: Phone: Email:	Complainant’s affiliation to NSTE (staff, volunteer, contractor, visitor other):
ALLEGED OFFENDER(S) INFORMATION	
Alleged offender’s name:	Alleged offender’s affiliation to NSTE (staff, volunteer, contractor, visitor other):
INCIDENT INFORMATION	
Date and time of Incident:	Location of Incident:
Brief description of Incident (nature of misconduct, context or circumstances, other related information):	
REPORTER’S INFORMATION	
Reporter’s Name: Reporter’s affiliation to NSTE (staff, volunteer, contractor, visitor other):	Date of Report: Reporter’s Contact Information: Phone: Email: