

Child Protection Policy

1. Statement of Conduct for Working with Youth

District 9650 is committed to creating and maintaining the safest possible environment for all participants in Rotary activities. It is the duty of all Rotarians, Rotarians' spouses, partners, and any other volunteers to safeguard to the best of their ability the welfare of and to prevent the physical, sexual, or emotional abuse of children and young people with whom they come into contact.

2. Definitions

2.1 Volunteer:

Any adult (a person over the age of 18 years) involved with Rotary Youth Exchange and other youth related programs activities who has direct interactions, either supervised or unsupervised, with students. Volunteers include, among others: club and district Youth Exchange officers and committee members; Rotarian counsellors; Rotarians and non-Rotarians and their spouses and partners who host students for activities or outings or who might drive students to events or functions; and host parents and other adult residents of the host home, including siblings and other family members.

2.2 Youth:

Any young person who is participating in Rotary Youth Exchange and other Rotary youth related programs, regardless of whether he or she is of legal age of majority.

2.3 Sexual abuse:

Engaging in implicit or explicit sexual acts with a young person or forcing or encouraging a young person to engage in implicit or explicit sexual acts alone or with another person of any age, of the same or opposite sex. This includes non-touching offences, such as indecent exposure or showing a young person sexual or pornographic material.

2.4 Sexual harassment:

Sexual advances, requests for sexual favours, or verbal or physical conduct of a sexual nature. In some cases, sexual harassment precedes sexual abuse and is used by sexual predators to desensitise or groom their victims.

Some examples of sexual harassment include:

- (a) Sexual epithets, jokes, written or spoken references to sexual conduct, talking about one's sex life in the presence of a young person, and comments about an individual's sexual activity, deficiencies, or prowess;
- (b) Verbal abuse of a sexual nature;

- (c) Display of sexually suggestive objects, pictures, or drawings;
- (d) Sexual leering or whistling, any inappropriate physical contact such as inappropriate brushing or touching, obscene language or gestures, and suggestive or insulting comments.

3. General Policy

- 3.1 Rotary International has a zero-tolerance policy against abuse and harassment.
- 3.2 An independent and thorough investigation must be made into any claims of sexual abuse or harassment.
- 3.3 Any adult involved in a Rotary youth program against whom a serious and credible allegation of sexual abuse or harassment is made by a person who identifies himself or herself must be removed from all contact with youth until the matter is resolved subject to the attached Sexual Abuse and Harassment Reporting Guidelines.
- 3.4 Any serious and credible allegation of abuse by a person who identifies himself or herself must be immediately reported to the appropriate law enforcement agency, in accordance with Rotary International's zero-tolerance policy subject to the attached Sexual Abuse and Harassment Reporting Guidelines.
- 3.5 A club must terminate the membership of any Rotarian who admits to, is convicted of, or, is otherwise found to have engaged in serious sexual abuse or harassment. A non-Rotarian who admits to, is convicted of, or is otherwise found to have engaged in serious sexual abuse or harassment must be prohibited from working with youth in a Rotary context. A club may not grant membership to a person who is known to have engaged in serious sexual abuse or harassment. (Upon obtaining information that a club has knowingly failed to terminate the membership of such a Rotarian, the Rotary International Board will take steps to have the Rotarian's membership terminated, including action to terminate the club's charter for failure to comply).
- 3.6 If an investigation into a claim of sexual abuse or harassment is inconclusive, then, for the safety of youth participants and the protection of the accused, additional safeguards must be put in place to assure the protection of any youth with whom the individual may have future contact. If there are subsequent findings of sexual abuse or harassment, the adult shall be permanently prohibited from working with youth in a Rotary context. Regardless of criminal or civil guilt, the continued presence of the adult could be detrimental to the reputation of the organisation and could be harmful to youth. It can also benefit the adult in preventing additional accusations from other youth.
- 3.7 A person who has been the subject of an allegation of sexual abuse or harassment may apply to be reinstated to participate in youth programs if those allegations do not result in the person being charged with a criminal offence or, having been charged with a criminal offence, the person is acquitted of the offence. Reinstatement is not a right, and no guarantee is made that he or she will be reinstated to his or her former position.

Youth Exchange Programs

4. Volunteer Selection and Screening

- 4.1 All volunteers interested in participating in the District Youth Exchange Program must meet the following requirements:

- (a) Undergo personal interviews;
- (b) Meet Rotary International and district eligibility requirements for working with students. Rotary International policy prohibits any volunteer who has admitted to, been convicted of, or otherwise been found to have engaged in sexual abuse or harassment from working with youth in a Rotary context. If an individual is accused of sexual abuse or harassment and the investigation into the claim is inconclusive, additional safeguards must be put in place to ensure the protection of any youth with whom the individual may have future contact as well as for the protection of the accused. A person later cleared of charges may apply to be reinstated to participate in youth programs. Reinstatement is not a right, and no guarantee is made that he or she will be reinstated to his or her former position;
- (c) Understand and comply with Rotary International and district guidelines for the Youth Exchange program;
- (d) Obtain a Working With Children Check (WWCC) online at www.newcheck.kids.nsw.gov.au and present this to the host club with a copy of the WWCC number and expiry date.
- (e) The host club (which must register as an employer through the same link – www.newcheck.kids.nsw.gov.au) must verify the accuracy of the information provided by the individual. This is done by searching the register of holders of WWCCs online with the Children’s Guardian. It is not sufficient to rely upon the information provided by the individual, but the club can rely upon their search results online with the Children’s Guardian.

4.2 Host families must meet the following selection and screening requirements, in addition to those listed above:

- (a) Host families who have not previously acted as host families must undergo a comprehensive interview that determines their suitability for hosting exchange students. Host families must demonstrate:
 - (i) Commitment to the safety and security of students;
 - (ii) Motivation for hosting a student consistent with Rotary ideals of international understanding and cultural exchange;
 - (iii) Financial ability to provide adequate accommodations (room and board) for the student;
 - (iv) Ability to provide appropriate supervision and parental responsibility that ensures the student’s well-being.
- (b) Home visits must be conducted for each family who have not previously acted as host families and should include visit or visits, before the placement.
- (c) All adult residents of the host home must meet the selection and screening guidelines. This includes adult children of the host family and other members of the extended family who are permanent or part-time residents in the home.

4.3 Persons engaged to be the student’s counsellors, Rotarian or other must meet the criteria for all volunteers, as well as the following:

- (a) Counsellors must not be a member of the student's host family;
- (b) Counsellors must be trained or experienced in responding to any problems or concerns that may arise during the exchange, including instances of physical, sexual, or emotional abuse or harassment.

5. Student Selection and Screening

5.1 All students interested in participating in the District Youth Exchange program must meet these requirements:

- (a) Complete a written application and be interviewed to determine suitability for participation in the program; and
- (b) Attend and participate in all district orientation and training sessions.

5.2 All parents or legal guardians of students interested in participating in the District Youth Exchange program must be interviewed to determine the student's suitability for participation in the program.

6. Training

District 9650 will provide abuse and harassment prevention training to all Youth Exchange program participants and will conduct the necessary training sessions.

Specifically, District 9650 has:

- (a) Adapted the Abuse and Harassment Prevention Training Manual and Leader's Guide to incorporate specific district guidelines, information on local customs and cultural issues, and legal requirements,

And District 9650 will:

- (b) Develop a training calendar that defines the participants, frequency of training required for each volunteer position, and training methods to be used
- (c) Conduct specialised training sessions for the following Youth Exchange program participants:
 - (i) District Governor,
 - (ii) District Youth Exchange committee members,
 - (iii) Club Youth Exchange Officers,
 - (iv) Persons engaged to be the students counsellors, Rotarian or other,
 - (v) Other Rotarians and non-Rotarians who participate in Youth Exchange activities, such as local tours or district events,
 - (vi) Host families,
 - (vii) Students (outbound and inbound),
 - (viii) Parents and legal guardians of students.

- (d) Establish guidelines to ensure that all participants have received the requisite training.
- (e) Maintain records of participation to ensure compliance.
- (f) Have the district youth protection officer or his or her nominee assume training responsibilities.

Youth Programs Generally

7. Travel by Youth

Recognising that Rotary clubs and districts are encouraged to undertake activities that develop the Youth, club and district programs or activities that involve minors undertaking travel outside their local community (meaning outside District 9650) must develop, maintain, and comply with youth protection policies and written procedures.

7.1 Clubs:

- (a) shall obtain written permission from the parents or guardians of all youth participants for travel outside the local community in advance;
- (b) shall provide parents or legal guardians with specific details about the program, location of event, travel itineraries, sleeping accommodations, and contact information for program organisers before departure;
- (c) shall ensure that any Rotarians or non-Rotarians accompanying the youth participants, or any driver of a vehicle transporting the youths, holds a current WWCC or that their application form a WWCC is pending.
- (d) should, when travelling out of Australia, require the parents or legal guardians of each minor to provide travel insurance for the minor, which includes such coverage's as medical emergency medical evacuation, repatriation of remains, and legal liability, in amounts satisfactory to the club or district organising the activity or event, with coverage from the time of the minor's departure from home until the return home.

8. Allegation Reporting Guidelines

District 9650 is committed to protecting the safety and well-being of Youth Exchange students and will not tolerate abuse or harassment. **All allegations of abuse or harassment will be taken seriously and must be handled in accordance with the Sexual Abuse and Harassment Allegation Reporting Guidelines.**

9. Follow-through and Review Guidelines

District 9650 will ensure that each allegation of abuse or harassment is investigated thoroughly. The district will cooperate with all law enforcement agencies, child protection services, and legal investigations and will not interfere with other investigations when conducting its own independent reviews.

10. Other District Responsibilities

District 9650 will:

- (a) Establish procedures for reporting, investigating, and handling non-criminal offences or historical cases that law enforcement chooses not to investigate.
- (b) Recommend that all inbound Youth Exchange students maintain insurance at levels determined by Rotary International and the Youth Exchange Committee.
- (c) Provide each student with a list of local services in the district (rape and suicide crisis hot lines, alcohol and drug awareness programs for teenagers, relevant law enforcement agencies, community services, private services, etc.).
- (d) Complete a student data request form for all participating Youth Exchange students and return it to Rotary International one month before the exchange begins.
- (e) Provide a 24-hour emergency contact phone number to Youth Exchange students.
- (f) Follow Rotary International guidelines for Youth Exchange Web sites.
- (g) Appoint a counsellor to represent any alleged victim in cases of sexual abuse and harassment.
- (h) Report all serious criminal allegations by a person who identifies himself or herself to Rotary International within 72 hours.
- (i) Report all serious incidents (accidents, crimes, early returns, death) involving Youth Exchange students to Rotary International within 72 hours.
- (j) Evaluate and review this policy and accompanying procedures regularly.
- (k) Appoint a district youth protection officer.

11. Club Compliance

District 9650 will monitor all participating clubs within the district and ensure that they comply with Rotary International guidelines for abuse and harassment prevention.

All clubs that wish to engage in youth programs must:

- (a) Register as an employer with the Office of the Children's Guardian. There is no cost involved. This is the only way that clubs can effectively comply with their obligations to verify the status of club members and other volunteers who may be engaged in such programs.
- (b) Ensure that all volunteers, whether Rotary members or not, who are engaged by the club to supervise or assist in the running of youth programs (programs involving direct or face to face contact with persons under the age of 18 years) obtain the Working With Children Check.
- (c) Provide an annual report by the club president to the district youth protection officer by the end of **September each year – in the form of Annexure 3**.
- (d) Develop a comprehensive system for host family selection that includes home visit or visits and interviews of families who have not previously acted as host families before the placement.
- (e) Conduct follow-up evaluations of both students and host families.

- (f) Prohibit direct placement of students outside of the District Youth Exchange program structure (so-called backdoor exchanges).
- (g) Set procedures for removal of a student from the host family, including establishing criteria for moving a student and locating available back-up temporary housing in advance.
- (h) Develop contingency hosting plans that include available back-up families.
- (i) Ensure that all hosting is voluntary. Parents of outbound students and club members must not be required to host students.
- (j) Ensure that long-term exchange students have multiple host families.
- (k) Provide each student with a comprehensive local services list, including information for dentists, doctors, places of worship, counsellors, suicide and rape crisis hotlines, etc.
- (l) Ensure that the host counsellor for each student is not a member of the student's host family.
- (m) Ensure that the host counsellor is trained or experienced in responding to any problems or concerns that may arise during the exchange, including the prevention of physical, sexual, and emotional abuse or harassment.
- (n) Provide mandatory training on sexual abuse and harassment prevention for host families, outbound students, inbound students, and their parents or legal guardians.
- (o) Follow Rotary International guidelines for Youth Exchange Web sites.
- (p) Report all serious incidents (accidents, crimes, early returns, deaths) involving Youth Exchange students to the district immediately.
- (q) Conduct interviews of all applicants and applicants' parents or legal guardians.
- (r) Place students in at least three successive host families on long-term exchanges.

12. District Child Protection Officer

The District Governor shall appoint a District Child Protection Officer ("DCPO"). The person appointed shall have experience of working with children either in his or her profession or as an experienced Rotary volunteer. While the appointment should be made annually it would normally be expected that the DCPO would hold office for a period of three years.

The DCPO shall become familiar with the responsibilities of clubs and club members under relevant legislation.

The DCPO will handle complaints of child abuse and will develop a working relationship with the Department of Family and Community Services.

The DCPO will chair a committee appointed by the District Governor but normally consisting of the chairpersons/ of the District Rotary youth programs including Youth Exchange, MUNA, and Short-term Exchange programs. That committee will meet at least once annually either face-to-face or by teleconference.

The committee, on the recommendation of the DCPO, will be responsible to maintain District Child Protection Procedures that reflect the current law and best practice and any proposed changes will be notified to the District Governor by the end of November so that they may be considered at the next District Conference.

The DCPO or his or her nominee shall be available to address Incoming Presidents as to the nature of these procedures, if so requested by the District Governor.

13. Compliance with Child Protection (Working with Children) Act 2012

13.1 Summary:

Extracts of the main provisions from this New South Wales legislation are attached as Annexures 4 and 5 but the effect is basically as follows:

- (a) **A Rotary club must not engage any person to perform work as a volunteer for Rotary, being work involving direct contact (either physical contact or face to face contact) with children, if the club knows, or has reasonable cause to believe, that the person does not hold a current Working With Children Check Clearance applicable to the kind of work to be done, or does not have an application for such a clearance pending;**
- (b) **A Rotary club which provides programs or services for children, or a mentoring or counselling service to children, must register as an employer with the Office of the Children's Guardian. Registration as an employer is carried out online and is a simple matter of googling "Working with Children", clicking on "Child-related employers" on the left of the homepage and following the simple prompts;**
- (c) **A Rotary club member who engages in such work must have a current Working With Children Check Clearance or have an application for such a clearance pending;**
- (d) **A breach of these sections is a criminal offence.**

Where a Rotary club asks the partner of a member, or even a non-member, to perform voluntary work with children, for example, as a host parent or as one of the team members on an overnight bus excursion, then those persons would also be regarded as Rotary volunteers.

The onus is on the club to satisfy itself that those whom it engages to perform such work hold, or are in the process of obtaining, the appropriate Working with Children Check Clearance.

13.2 Implementation:

The practical way in which Rotary clubs will comply with their obligations under this legislation is as follows:

- (a) Within one month of assuming office, and no later than the end of August, each Club President will check that the club:
 - (i) is registered as an employer with the Office of the Children's Guardian; and
 - (ii) also holds a register which contains the details of the Working With Children Check Clearance with the number, expiry date and date of last verification for:

- A. each club member;
- B. all host parents who are not members (such as partners of members), and,
- C. any non-Rotarians who are engaged in club activities having direct contact with youth under the age of 18 years.

The President will encourage members and volunteers to obtain a Working With Children Check Clearance and provide the details to the Club for verification.

- (b) By the end of September the Club President shall send the President's Report to the District Child Protection Officer – in the form attached Annexure 3.
- (c) By the end of October the District Child Protection Officer shall notify the District Governor of any club which has failed to complete and return a Presidents Report.
- (e) **A club which fails to complete a Presidents Report upon request from the District Governor will not continue with any activity which involves the provision of programs or services to children.**
- (f) **Any person who does not hold a Working With Children Check Clearance shall not be permitted to engage in any activity having direct contact with children.**
- (g) The District Child Protection Officer shall retain each President's report.

13.3 Legislation:

As at 2016 the relevant legislation for Rotarians dealing with children is as follows:

- (a) Children and Young Person's (Care and Protection) Act 1998;
- (b) Child Protection (Working with Children) Act 2012.

The legislation may be found on the internet at www.austlii.edu.au and then clicking New South Wales/New South Wales Consolidated Legislation/Alphabetical List/C. Some of the Regulations made under this legislation are also pertinent. Extracts from this legislation as at 2015 are attached.

13.4 Members who Refuse to obtain the Working with Children Check:

There may be some members of our Rotary Clubs who refuse to obtain a Working With Children Check Clearance as a matter of principle. What should the Club President do in those circumstances?

In the first place the Club President should seek to persuade such members to obtain the check. They should be reminded that:

- (a) The community through the parliament of New South Wales requires us all to hold a drivers licence before driving a motor vehicle on a public road. The community through the parliament of New South Wales requires us all to wear a seat belt when travelling in a motor vehicle on a public road. Obtaining the Working With Children Check is similar to these requirements.

- (b) They should also be reminded that there is a reason for the present legislation. Experience shows that people with a strong sexual attraction to young males and/or females tend to gravitate to positions where they can have physical access to young people – as priests, ministers, choir masters, scout leaders, as teachers and as social workers.
- (c) In response, the law provides that anyone who has a conviction for a serious sexual offence (one which carries a maximum penalty of 12 months imprisonment – even if no such penalty is imposed) is prohibited from undertaking employment or activities with direct contact with the children of others.
- (d) The parliament has now concluded that it is appropriate to require compulsory screening of unpaid members of an organisation having direct contact with children. Obviously these procedures have been deemed necessary and their objective is to prevent unsuitable people having physical access to young people.
- (e) We are members of the community and have the same interest as the government in doing what we can to reduce the likelihood of unsuitable people having access to young people. There is, incidentally, in the legislation provision for a convicted sexual offender to apply to the Administrative Appeals Tribunal for an exemption from the legislation.

If the member or members still refuse to obtain the Working with Children Check what is the consequence?

- 1) Do they have to be asked to leave the Club? **No they do not.**
- 2) Does the Club have to cease its Youth Program? **No it does not. What has to happen is that those who refuse to obtain the Working with Children Check must have no involvement in the programs or services which the club provides to children.**
- 3) What does this mean in practical terms? **It means that they cannot be host parents. It means that they cannot have young people stay overnight. It means that they cannot transport young people associated with Club activities. It means that they cannot conduct youth activities or have any involvement in the Club's youth activities. Obviously they cannot serve as the Club's Youth Director.**

In practical terms those who are acting as host parents, the Youth Director or anyone in the Club who is responsible for youth activities will have to be informed of the names of those who refuse to obtain the Working With Children Check – so that they will not inadvertently ask those people to help with the program or service.

In communicating the names of those who have refused to obtain the Working With Children Check to other club members it is most important that the Club President respect the reputation and motives of those who refuse to obtain the check. We live in a democracy and, until the law requires otherwise, people are entitled to exercise their democratic rights and that includes the right not to obtain a Working With Children Check. This does not mean that the Club member in question should be regarded as a suspected pedophile nor should any comment be made which suggests some suspicion about the sexual morality of such a member. Such a comment cannot only cause serious damage to the reputation of an upstanding member of the Club, but it can also result in defamation proceedings against the person who made the comment. When Club members are told that a particular member or members cannot be involved in the Club's youth

activities, it must be explained that this is because they have exercised their right not to obtain the Working With Children Check and, in these circumstances, there is a legal prohibition.

14. Recommended Practical Approaches

14.1 Prevention:

The most critical goal is to prevent abuse happening in the first place through:

- (a) Careful selection of host parents – particularly if they are new club members or not members of the club.
- (b) Education of the student about safety measures prior to any abuse ever occurring.
- (c) Breaking the silence about harassment and sexual abuse. The more that survivors speak out about their experience, the more that abusers will no longer be able to depend on the silence to protect them from exposure, which might discourage some potential abusers from starting down that path.

14.2 The Four R's:

- **Recognise**
- **Respond**
- **Record**
- **Report**

14.3 Recognise:

Being alert to common signs of abuse and harassment is an important aspect of risk assessment and child protection. The presence of indicators might suggest child abuse; however the absence of indicators does not always discount the disclosure of maltreatment. Generally, a single indicator might not provide conclusive evidence of abuse; however the presence of any indicators should be treated seriously.

- (a) Indicators of abuse must be considered within the student's context i.e.
 - (i) what is known about the student's family, medical, psychological, educational and social history; and
 - (ii) what developmental behaviors and competencies you would expect the student to be demonstrating.
- (b) Possible adolescent indicators of child abuse and neglect:
 - (i) acting out behaviour e.g. school truancy, early sexual activity, substance use and delinquency
 - (ii) school performance problems
 - (iii) poor interpersonal skills, lack of respect for others, intolerance of difference and lack of empathy

- (iv) responding aggressively or being withdrawn
- (v) depression
- (vi) anxiety
- (vii) somatic/ physical symptoms
- (viii) quick temper and explosiveness
- (ix) inability to accept responsibility or tendency to blame others
- (x) disconnection from others, tendency to be mistrustful or defensive
- (xi) lack of confidence but masking this with bravado
- (xii) low self esteem.

14.4 Response to Disclosures:

You might think you are making things worse by reporting the disclosures. Few things are worse than allowing abuse to continue. Many children and adolescents are devastated by the experience of abuse and, in the most serious cases, may be seriously harmed or have their life threatened.

What you should do, if abuse is disclosed to you:

- (a) **Do not promise confidentiality.**
- (b) **Use active and passive listening skills and protective interrupting.** Most important, you should listen attentively and let him or her know that it was right that they told someone about their worries. Try to make sure that the student isn't disclosing where everybody can hear.
- (c) **Stay calm and competent.** Stay calm and make sure that the young person feels safe and knows that he or she is not to blame for what has happened. Answer the student's queries as honestly as you can. Note the correct procedures to follow (see the flowchart in clause 15).
- (d) **Help the conversation to move along.** Finally ask the student questions that establish what was done and who did it. Reassure the student that they did the right thing in coming to you and talking about the problem.
- (e) **Be non judgmental.** Do not be critical of anything that has happened or anyone who might be involved. However you can respond to the student's feelings and try to help the student identify their fears.

What the student does not need:

- (a) To be blamed;
- (b) To have their own family or situation criticised or blamed;
- (c) To have adults get angry or excited;
- (d) To have adults moralising about right or wrong;

- (e) To be interrogated;
- (f) To be told to forget it or get over it;
- (g) To not have their disclosure acknowledged – this is an enormous step for a student to take;
- (h) To be shown excessive pity or sympathy.

14.5 Record:

Keep a written record of the conversation with the student as soon after the disclosure as you can, including the date and time of the conversation.

This is important. Use the student's words, and record only what has been told to you without making any judgments.

14.6 Report:

Report the disclosure to the appropriate person on the flowchart in clause 15, and they will select the appropriate people to be informed, as well as the appropriate action to follow in order to keep the student safe.

N.B. Seek advice from Rotary personnel before informing anyone else about the disclosure or letting any person suspected of abuse know what's happened – you could be putting the student in greater jeopardy by doing so.

14.7 Factors why children and young people don't always report abuse:

(a) Helplessness:

- (i) there is nothing I can do to make it stop;
- (ii) no one will believe me;
- (iii) they made me promise that I wouldn't talk about it.

(b) Fear:

- (i) he/she said they wouldn't believe me;
- (ii) what will happen to my family (host family) if I tell – she/he said that they would send me away;
- (iii) I can't trust anyone.

(c) Guilt:

- (i) this must be my fault;
- (ii) if I – then he/she wouldn't have;
- (iii) I am bad/stupid/naughty – that's why this has happened.

- (d) **Shame:**
 - (i) this makes me feel so dirty;
 - (ii) this must only happen in this family;
 - (iii) they'll think I'm bad/naughty/easy.

14.8 Factors Which Prevent Adults from Reporting Disclosures or Concerns:

- (a) fear of litigation or liability for reporting; reluctance to testify in court if required;
- (b) difficulty in identifying abuse;
- (c) not believing the indicators of abuse, based on the stereotypes of the student or the informant "Oh he or she's always causing trouble";
- (d) fear of making an unjustified report;
- (e) belief that reporting is not part of your responsibility;
- (f) fear that reporting will antagonise others – the Rotary club, the family, colleagues, friends;
- (g) belief that reported families are stigmatised;
- (h) belief that reporting to authorities will not lead to helpful intervention for the student;
- (i) objection to the time and possible paperwork involved;
- (j) getting involved.

14.9 Ways in which abuse is minimised and discounted by adults:

- (a) rationalisation of personal experience of abuse – this happened to me and I survived -- best to leave it alone;
- (b) definition of abuse – okay this is not a good situation, but maybe it's not abuse;
- (c) distress leading to denial – God that poor student – this is too horrible to think about;
- (d) club focus – hey the student is under so much stress, they are doing the best they can;
- (e) culture – that's the way that family operates – why should I intervene?
- (f) attitudes to children and adolescents – he or she is just naughty and doesn't know when to stop – she is a very tarty girl;
- (g) minimising the effects of abuse – kids all over the world deal with this – he or she won't even remember this;
- (h) racism stereotypes – all of that lot do that to their kids;
- (i) class stereotypes – that's what happens to those types;

- (j) lack of experience or information or support – well what am I supposed to do?
- (k) maintaining distance – that is a horrible story, but it isn't really any of my business;
- (l) workload stress – what else do I take on? If I report this it'll open up Pandora's box;
- (m) system against individual needs – this student is already the focus of so many people's energy and resources – now he or she is creating more problems;
- (n) defeatism – the damage is already done and reporting it will never achieve anything useful anyway, it'll just make it worse.

14.10 Post disclosure:

After a disclosure of harassment or abuse, the student may or may not remain on exchange, but if they do, they will most likely still continue their relationship with the club depending on the circumstances.

There will be a need for a centralised and managed team approach to support the student and their host family.

The student may become withdrawn and appear to be avoiding members of the host family or club.

It may be difficult for club members and host families to understand how the student is feeling, but it would be helpful for the student to know that the club remains a support for them.

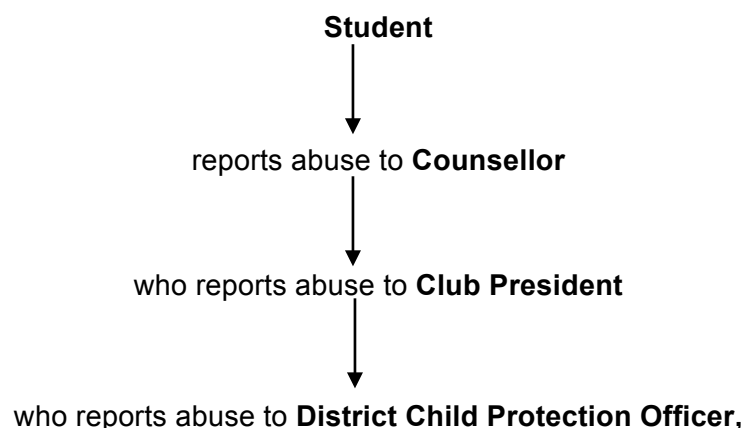
Club members and host families may experience ambiguity toward their roles and may feel unclear regarding their boundaries.

There may also be short and long-term ramifications of abuse, and club members and host families may experience emotional reactions as a result of the process. As such they also have a responsibility to themselves to self-care, and therefore there may be a need for debriefing and ongoing support.

15. Scope of These Procedures

These Procedures apply to any activities of the Clubs in Rotary District 9650 and to the District itself in connection with any activities of Rotary that relate to children. They apply not only to exchange students but to any students involved in Rotary programs.

Flowchart:



who after consultation with the District Child Protection Committee, at his or her discretion, depending upon the seriousness of the matter, reports abuse to **Police, the Department of Family and Community Services, Chairman of the relevant Rotary Youth Program, and the District Governor** who informs **Rotary International**.

16. Reporting to Authorities

Under the Children and Young Person's (Care and Protection) Act 1998 there is an obligation on such people as doctors and teachers who receive information in their professional capacity to report complaints of substantial child abuse (involving children under the age of 16 years) to the Department of Family and Community Services.

There is no such obligation on Rotarians. Complaints about trivial matters only take the time of the Department, making it difficult for officers to deal with more serious matters. Accordingly, commonsense will be exercised by the District Child Protection Officer in determining if a report should be made. Likewise concerning reports to the police.

Unless there is a strong reason not to do so, the complaint of the young person should be accepted at face value. A decision not to report a matter will normally be based on the fact that the matter is relatively trivial. No such decision will be made in order to protect a particular Rotarian or the Rotary organisation.

Reporting will be pursuant to the attached Sexual Abuse and Harassment Guidelines.

17. Safety of Young People

The primary purpose of any steps taken under these guidelines must be the safety and protection of the young people concerned. It should be recognised that a single incident of sexual abuse can cause major long-term psychological problems, made worse if the person or body in authority attempts to cover up or minimise the incident. In serious matters involving a host family the young person will have to be immediately moved to another family.

At the same time it is important that the young person does not reasonably feel that he or she is being punished for what happened, for example by being sent home or by being summarily removed from a bus excursion.

18. Damages

A secondary but nevertheless important consideration is the exposure of Rotary to a claim for damages if the club or the District acts in a negligent manner. A Rotary club is expected to act in the way that a reasonable voluntary organisation would act in order to best ensure the safety of young people in its care.

Rotarians should act in the way in which they would like other Rotarians to act in caring for their children. They would expect care in selecting host parents not well known to the club. They would expect the club to act promptly if there was any suggestion of risk to their child. They would expect their child to be believed unless there was very good reason not to do so. They would certainly not expect problems to be ignored or swept under the carpet.

The damage to a traumatised young person can be great and accordingly the damages awarded can be very large. A young person's lifetime earning capacity can be destroyed or substantially impaired as a result of child abuse. It is not uncommon for damages in favour of abused children to run into hundreds of thousands of dollars. The impact of such a verdict on insurance premiums would be very large indeed.

19. Defamation

For the protection of the young person concerned and for the protection of future students involved in a club's programs it will be necessary to report the complaint to the persons mentioned above and perhaps to other officers of the club such as the International Service Director and/or the New Generations Director. However it should be remembered that a complaint of sexual abuse can cause enormous damage to the reputation of a person who might in fact be quite innocent. Accordingly a complaint by a young person should not be passed on unnecessarily to other club members or to other members of the public. If it is necessary to transfer a student to new host parents then club members are entitled to be told of that fact but not of the reason for the transfer if it involves an allegation of child abuse.

It should also be remembered that in the event of a defamation action, the young person might be back in his or her own country and unwilling to testify at a trial. In those circumstances it would be difficult to establish the truth of the allegations.

20. Conclusion

The many Youth programs operated by Rotary are enormously valuable and depend on the goodwill of Rotary volunteers. That goodwill must be respected and maintained, but we must also comply with the law and we must always give first priority to the welfare of the children and young people in our care.

We are all on notice from the media of the existence of adults who gravitate to positions of trust involving children and young people so that they may take advantage of their age and relative immaturity to gratify their own sexual urges. The parliament requires all volunteers including Rotary volunteers to obtain a Working With Children Check in order to engage in programs or services for children and that check must be confirmed as cleared by the Rotary clubs. The courts require Rotarians to exercise the standard of care which we would all expect for the protection of our own children – and that is a high standard of care.

These procedures are intended to play a part in maintaining Rotary youth programs in which the community can continue to have faith. However as a Rotary District we must comply with the Policies of Rotary International as well as the law.

Annexure 1

Sexual Abuse and Harassment Allegation Reporting Guidelines

Rotary International is committed to protecting the safety and well-being of all youth program participants and will not tolerate their abuse or harassment.

All allegations of abuse or harassment will be taken seriously and must be handled within the following guidelines. **The safety and well-being of young people must always be the first priority.**

Definitions

Sexual abuse. Engaging in implicit or explicit sexual acts with a young person or forcing or encouraging a young person to engage in implicit or explicit sexual acts alone or with another person of any age, of the same or opposite sex. This includes non-touching offences, such as indecent exposure or showing a young person sexual or pornographic material.

Sexual harassment. Sexual advances, requests for sexual favours, or verbal or physical conduct of a sexual nature. In some cases, sexual harassment precedes sexual abuse and is used by sexual predators to desensitise or groom their victims.

Some examples of sexual harassment include:

- Sexual epithets, jokes, written or spoken references to sexual conduct, talking about one's sex life in the presence of a young person, and comments about an individual's sexual activity, deficiencies, or prowess
- Verbal abuse of a sexual nature
- Display of sexually suggestive objects, pictures, or drawings
- Sexual leering or whistling, any inappropriate physical contact such as brushing or touching, obscene language or gestures, and suggestive or insulting comments

Who should determine if it is abuse or harassment?

Upon hearing allegations, members should not determine whether the alleged conduct constitutes sexual abuse or sexual harassment. Instead, after ensuring the safety of the student, the member should immediately report all allegations to the club counsellor if there is one or if not to the club president. The counsellor must immediately report all allegations to the club president who will in turn report same immediately to the district youth protection officer. The district youth protection officer will in consultation with the District Governor after considering the rules of natural justice and the seriousness of the allegation determine if the matter should be reported to the appropriate child protection or law enforcement authorities in accordance with the law of New South Wales.

Allegation Reporting Guidelines

Any adult to whom a Rotary youth program participant reports an allegation of sexual abuse or harassment and Rotary officers must follow these reporting guidelines:

1. Receive the report

- (a) **Listen attentively and stay calm.** Acknowledge that it takes a lot of courage to report abuse or harassment. Be encouraging; do not express shock, horror, or disbelief.
- (b) **Assure privacy but not confidentiality.** Explain that you will have to tell someone about the abuse/harassment in order to make it stop and ensure that it doesn't happen to others.
- (c) **Get the facts, but don't interrogate.** Ask questions that establish facts: who, what, when, where, and how. Reassure the young person that he or she did the right thing in telling you. Avoid asking "why" questions, which may be interpreted as questioning the young person's motives.

Remember that your responsibility is to present the story to the proper authorities.

- (d) **Be nonjudgmental and reassure.** Avoid criticising anything that has happened or anyone who may be involved. It's especially important not to blame or criticise the young person. Emphasise that the situation was not his or her fault and that it was brave and mature to come to you.
- (e) **Document the allegation.** Make a written record of the conversation, including the date and time, as soon after the report as you can. Try to use the young person's words and record only what he or she told you.

2. Protect the young person

The District Governor after consultation with the district youth protection officer will ensure the safety and well-being of the youth program participant by in appropriate case and subject to consideration of the rules of natural justice removing him or her from the situation immediately and preventing all contact with the alleged abuser or harasser. Reassure the youth that this is being done for his or her safety and is not a punishment.

3. Report the allegations to appropriate authorities — child protection or law enforcement

The district youth protection officer will in consultation with the District Governor after considering the rules of natural justice and the seriousness of the allegation promptly report appropriate cases of sexual abuse or harassment to the appropriate law enforcement authorities for investigation. In District 9650, the appropriate law enforcement office is either the Department of Community Services or the NSW police depending on the nature of the allegation.

In most situations, the Rotary contact is the district youth protection officer, who is responsible for seeking the advice of appropriate agencies and interacting with them.

District 9650 will cooperate with police or legal investigations.

District 9650 has researched local, state, and national laws related to sexual abuse and harassment prevention and notes the legal requirements of which all adult volunteers participating in the program must be aware in the District Youth Protection Policy.

4. Avoid gossip and blame

Don't tell anyone about the report other than those required by the guidelines.

Be careful to protect the rights of both the victim and the accused during the investigation.

District 9650 maintains the privacy (as distinct from confidentiality) of any accused person by enforcing the procedures in the District Youth Protection Policy.

5. Do not challenge the alleged offender

Don't contact the alleged offender. In cases of abuse, interrogation must be left entirely to law enforcement authorities. In cases of noncriminal harassment, the district governor is responsible for follow-through and will contact the alleged offender after the young person has been moved to a safe environment.

The district governor may designate this task to a district youth protection officer or district review committee.

6. Rules of natural justice

The courts of NSW apply the rules of natural justice in a wide variety of circumstances to ensure that persons accused of misconduct are not dealt with unfairly. Natural justice requires that a person facing disciplinary action must be given a fair hearing by an unbiased tribunal. The requirements of natural justice vary according to the circumstances but broadly the person accused is entitled to know the nature of the allegation and be given the opportunity to give his or her response to a decision maker who is unbiased. A failure to accord natural justice could result in Rotary being ordered by the Supreme Court of NSW to reconsider the matter in accordance with the rules of natural justice involving both a potentially substantial costs order and adverse publicity.

There are a wide variety of complaints which will require different responses. At one extreme an allegation of rape by a student would obviously have to be immediately reported to the police without any contact with the alleged perpetrator – indeed that is the law. At the other extreme an anonymous and unsubstantiated complaint that a Rotarian was hugging students inappropriately (which could amount to sexual harassment) would entitle the person accused to be accorded natural justice before a decision was taken as to whether any action was to be taken at all. It is not possible to have one rule which fits all circumstances.

Follow-through Procedures

Either the District Governor or district youth protection officer must ensure that the following steps are taken immediately after an abuse allegation is reported.

1. Confirm that the youth program participant has been removed from the situation and has no contact with the alleged abuser or harasser subject to paragraph 2 above.
2. If law enforcement agencies will not investigate, the district youth protection officer or district youth protection committee should coordinate an independent review of the allegations. Any disciplinary proceedings against a Rotarian or other volunteer into what is defined as reportable conduct under the Commission for Children and Young People Act must be notified to the Commission unless our review concludes that the allegation is not sustained or that the complaint was vexatious or misconceived.

3. Ensure that the student receives immediate support services.
4. Offer the young person a Rotarian counsellor to represent his or her interests if he or she does not already have one.
5. Contact the student's parents or legal guardian.
6. If the student is away from home, the student and his or her parents should decide whether to stay in country or return home. If the student stays in country, written authorisation from the student's parents or legal guardian is required. If the student and the student's parents choose for the student to return home, consult with police before making travel arrangements. If an investigation is pending, the police may not approve of the student leaving the country.
7. Remove alleged abuser or harasser from all contact with any other young participants in Rotary programs and activities while investigations are conducted subject to paragraph 2 above.
8. Cooperate with the police or legal investigation.
9. Inform the district governor of the allegation. Either the district governor, district youth protection officer, or other district youth program chair must inform RI of the allegation within 72 hours and provide follow-up reports of steps taken and the status of investigations.
10. After the authorities have completed their investigation, the district must follow through to make sure the situation is being addressed. Specifically, District will conduct an independent and thorough review of any allegations of sexual abuse or harassment.

Post Allegation Report Considerations

Responding to the needs of the youth program participant

District will adopt a cohesive and managed team approach to supporting a young person after an allegation report. The youth program participant is likely to feel embarrassed or confused and may become withdrawn.

After a report of harassment or abuse, students may have mixed feelings about remaining on their exchange. If they do choose to stay, they may or may not want to continue their relationship with their hosting Rotary club. In some cases, a student may wish to remain in country but change to a different host club.

Although club members and host families may have trouble understanding how the student is feeling, the student would find it helpful to know that the club continues to be reassuring and supportive. Club members and host families may feel ambivalent about their roles and unclear about their boundaries. However, they need to do whatever is necessary to reassure the student of their support at all times.

Addressing issues within the club

When addressing an allegation of abuse or harassment, the most important concern is the safety of youth. Club members should not speculate or offer personal opinions that could potentially hinder any police or criminal investigations.

Rotarians must not become involved in investigations. Making comments about alleged victims in support of alleged abusers violates both the Statement of Conduct for Working with Youth and Rotary ideals. Comments made against an alleged abuser could lead to a slander or libel claim filed against Rotarians or clubs by the alleged abuser.

Annexure 2

Applying for a NSW Working With Children Check

Application for a NSW Working With Children Check

All applications will be made via the website www.newcheck.kids.nsw.gov.au. Rotary's industry sector is "Clubs or other Bodies providing Services to children".

Purpose of Check – select:

○ Volunteer, authorised carer, adult household member, student on a professional placement, prospective adoptive parent. Once the form is completed an application receipt will be generated.

- The applicant will be given an application number starting with app. This will inform applicants of the next step in completing the working with children check. Once each applicant has received their app number, they must take this and proof of their identity to the local Motor Registry Office and pay the fee if applicable. (**Note: volunteer checks are free.**) This completes the process for the applicant.
- The Office of the Children's Guardian will then do all the necessary screening of each applicant by obtaining any criminal or employee disciplinary records and make an assessment of their suitability to work with children.
- In most cases applicants will receive their results within a few days, however for some the process can take up to 4 weeks. The processing time is dependent on a number of variables, for example if an applicant has a common name, common date of birth or there is a backlog of applications or if they do have a criminal record the process may take longer.
- The Working with Children clearance number will be sent by email or post (*your preferred method of contact*). This clearance number will remain with you for life just like a tax file number. The number will begin with WWC and end in either a E (*for paid workers*) or V (*for volunteers*).
- If an applicant does not have access to a computer they may phone the customer service team who will assist them in filing out the online application form.

Proof of Identity: one of the following documents is required:

- NSW Drivers Licence
- Australian Passport

Clubs registering as an employer will also do so through the web site identified above.

For a more detailed explanation of the New Working With Children Check and Club registration as an employer, see Document: Rotary International District 9650 Child Protection: New Procedures

Annexure 3

President's Report

1. The Club has/has not registered as an employer with the Office of the Children's Guardian. (Delete if not applicable) If the club has not registered as an employer, it is acknowledged that the club cannot undertake activities involving the provision of programs or services to children.
2. The members of the club who have obtained a Working With Children Check are as follows:
 -
 -
 -
 -
 -
3. The non-members of the club who take part in activities organised by the club involving the provision of programs or services to children (member's partners and other volunteers) are as follows:
 -
 -
 -
 -
 -
4. The club has verified the details for each of these persons by a check carried out by me and the Secretary of the club on _____ (insert date) with the Office of the Children's Guardian.
5. The club maintains a register recording the following details for the persons identified in paragraphs 2 and 3 above:
 - Their full name
 - The WWCC number
 - The expiry date of the WWCC
 - The date on which the above details were last verified.
6. I confirm that only the persons who are identified in paragraphs 2 and 3 above shall be permitted to take part in any club activities which involve the provision of programs or services to children.
7. If new members are inducted into the club during my term of office, I will encourage them to obtain the Working With Children Check. Unless they do so they will not be permitted to engage in activities undertaken by the club involving the provision of programs or services to children.

Signed: _____

Name: _____

President, Rotary Club of _____

Date: _____

Annexure 4

Child Protection (Working With Children) Act 2012

5 Definitions

(1) In this Act:

"adult" means a person who is 18 years of age or older.

...

"child-related work" – see sections 6 and 7.

"children" means persons under the age of 18 years.

"Children's Guardian" means the Children's Guardian appointed under section 178 of the *Children and Young Persons (Care and Protection) Act 1998*.

...

"employer" includes:

- (a) a person who, in the course of business, arranges for the placement of a person in employment with others, or
- (b) person who engages a person under a contract to perform work, or
- (c) a person who engages a worker to perform work as a volunteer for the person under an agreement (whether written or unwritten).

"worker" means any person who is engaged in work in any of the following capacities:

...

- (c) as a volunteer,

"working with children check clearance" or

"clearance" means an authorisation that is in force under this Act to engage in child-related work.

"working with children check number" means the number given for a working with children check clearance under this Act.

6 Child-related work

(1) A worker is engaged in **"child-related work"** for the purposes of this Act if:

- (a) the worker is engaged in work referred to in subsection (2) that involves direct contact by the worker with children, or
- (b) the worker is engaged in work in a child-related role referred to in subsection (3).

- (2) The work referred to is work for, or in connection with, any of the following that is declared by the regulations to be child-related work:
- (a) mentoring and counselling services for children,
 - ...
 - (d) clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children,
 - ...
 - (k) refuges used by children, long term home stays for children, boarding houses or other residential services for children and overnight camps for children,
 - (l) transport services especially for children, including school bus services and taxi services for children with a disability and supervision of school road crossings,
 - (m) any other service for children prescribed by the regulations.
- (3) The following roles are referred to:
- ...
 - (g) any other role with respect to children prescribed by the regulations.

(4) In this section:

"direct contact" with children means:

- (a) physical contact, or
- (b) face to face contact.

8 Restrictions on engaging in child-related work

- (1) A worker must not engage in child-related work unless:
- (a) the worker holds a working with children check clearance of a class applicable to the work, or
 - (b) there is a current application by the worker to the Children's Guardian for a clearance of a class applicable to that work.

Maximum penalty: 100 penalty units, or imprisonment for 2 years, or both.

9 Employers must require clearance or current application

- (1) An employer must not commence employing, or continue to employ, a worker in child-related work if the employers knows or has reasonable cause to believe that:
- (a) the worker is not the holder of a working with children check clearance that authorises that work and that there is no current application by the worker to the Children's Guardian for a clearance of a class applicable to that work, or

(b) the worker is subject to an interim bar.

Maximum penalty: 100 penalty units, in the case of a corporation, and 50 penalty units in any other case.

Annexure 5

Child Protection (Working With Children) Regulation 2013

3 Definitions

(1) In this Regulation:

...

"the Act" means the *Child Protection (Working with Children) Act 2012*.

"working with children register" means the register established under section 25 of the Act.

7 Clubs or other bodies providing services for children

(1) Work for a club, association, movement, society or other body of a cultural, recreational, sporting or community service nature that involves providing programs or services primarily for children is child-related work.

Annexure 6

Children and Young Persons (Care and Protection) Act 1998

3 Definitions

In this Act:

“**child**”, except in Chapter 13, means a person who is under the age of 16 years.

27 Mandatory reporting

(1) This section applies to:

- (a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and
- (b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.

(2) If:

- (a) a person to whom this section applies has reasonable grounds to suspect that a child is at risk of significant harm, and
- (b) those grounds arise during the course of or from the person's work,

the person must, as soon as practicable, report to the Director-General the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

227 Child and young person abuse

A person who intentionally takes action that has resulted in or appears likely to result in:

- (a) the physical injury or sexual abuse of a child or young person, or
- (b) a child or young person suffering emotional or psychological harm of such a kind that the emotional or intellectual development of the child or young person is, or is likely to be, significantly damaged, or
- (c) the physical development or health of a child or young person being significantly harmed,

is guilty of an offence.

228 Neglect of children and young persons

A person, whether or not the parent of the child or young person, who, without reasonable excuse, neglects to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in his or her care, is guilty of an offence.