



Prevention of Abuse and  
Protection of Children Policy

**Kehillat Masada Synagogue**

KEHILLAT MASADA  
9-15 LINK ROAD, ST IVES, NSW 2075  
P.O. BOX 291 ST IVES NSW 2075

PHONE: +61 2 9988 4417  
FAX: +61 2 9449 3897  
EMAIL: [INFO@MASADA.ORG.AU](mailto:INFO@MASADA.ORG.AU)

## **1. Introduction**

### **1.1 Kehillat Masada Purpose and Vision Statement**

Kehillat Masada Synagogue (**Kehillat Masada**) is a Modern Orthodox Jewish community that aims to be a centre for Jewish religious, social and cultural activities. Our synagogue is a place of worship where a respect for human dignity is expected at all times. This extends to relationships at all levels and includes a respect for property.

### **1.2 Policy Statement**

The Board of Kehillat Masada Synagogue is committed to providing a safe and secure environment for all its employees, members, visitors, volunteers and particularly to children, and senior members.

It is bound and committed to adhering to all relevant state and federal legislation and common law principles.

It aims to reduce the risk of any abuse occurring and to ensure that a caring and appropriate response is taken should abuse occur or be alleged.

This Prevention of Abuse and Protection of Children Policy (**Protection Policy**) has been designed to support these aims. It will be reviewed annually at the Kehillat Masada Annual General Meeting.

### **1.3 Scope**

This Protection Policy applies to:

- All subsidiary bodies authorised by or under the control of Kehillat Masada;
- All Employees, Contractors, Participants, Leaders, Volunteers, and visitors within Kehillat Masada or engaged by Kehillat Masada.

### **1.4 Authority**

This Protection Policy was adopted for use by the Kehillat Masada Board of Management (the **Board**) on 24<sup>th</sup> August 2020.

The Board is committed to:

1. implementing the Protection Policy;
2. training all Workers in its content and application;
3. publicising the Protection Policy to all KM members and Participants, including to Children who are themselves Leaders and to Parents.

## 1.5 Definitions

**Abuse** can consist of one or more of but is not restricted to the following:

- i. **Elder Abuse** - a single or repeated act, occurring in any relationship where there is an expectation of trust, which causes harm or distress to an older person.
- ii. **Physical Abuse** - any non-accidental physical injury resulting from practices such as hitting, pushing, punching, kicking (marks from belt buckles, fingers), shaking, burning (irons, cigarettes), biting, pulling out hair.
- iii. **Sexual Abuse** – includes any assault or abuse of a sexual nature, sexual touching or molestation, indecent exposure to private body parts, exposure to sexual material including pornography, sexual harassment or intimidation, or grooming. This list is not exhaustive. Sexual Behaviour (defined separately below) may also be Sexual Abuse if it involves a Worker, being a person placed in a position of authority, and another person who is a Participant, whether consensual or not.
- iv. **Emotional Abuse** - the chronic attitude or behaviour of one person, which is directed at another person, or, the creation of an emotional environment which erodes a person's self esteem and social confidence over time. Behaviours may include: insulting, bullying, devaluing, ignoring, rejecting, corrupting, isolating, terrorising or other extreme acts.
- v. **Neglect** - characterised by the failure to provide for basic needs. Any serious act or omission which jeopardises or impairs a person's health or development.

**Activity** – an activity, program, session of study, course of activities, children's service, program for older or elderly people, or some other activity, run for the general benefit of the Kehillat Masada community, not necessarily on the Premises, for example, camps and excursions. An Activity's occurrence, general content and format must be approved by the Rabbi or by the Board.

**Child / Children** - any person under the age of 18.

**Employees and Contractors** – a person who has an employment agreement or an independent contractor agreement with Kehillat Masada.

**Kehillat Masada Constitution** means the Constitution dated 27 May 2020 ratified by the Board on 28 August 2020.

**Leader** - any person responsible for carrying out an Activity involving Participants. A Leader can be someone who is:

- paid or unpaid;
- themselves a Child, in that they are under 18 but carrying out Activities for younger Children, for example, the Leaders who are under 18 who carry out the 'Children's Services' on Shabbat mornings;
- over 18;
- an Activity coordinator;
- a Rabbi, a Rebbetzin, or another religious leader;
- a madrich/a (including the Israeli Madrichim);
- a Kehillat Masada Employee or Contractor; or
- a Volunteer.

**Member of KM** means a person who is classified as a Member under the Kehillat Masada Constitution.

**Members of Security** means members of CSG or privately contracted security companies, paid or unpaid, who are present on the Premises and in a position of authority with respect to security.

**Parent(s)** – the person or people with primary legal responsibility for the care of the Child, including legal guardians.

**Participant** - any person, including a Child, who attends or participates in a Kehillat Masada Activity, whether they are technically a Member of Kehillat Masada or not.

**Premises** – Kehillat Masada Synagogue, 9-15 Link Road, St Ives, NSW 2075

**Volunteer** - any person who is invited to assist and does assist in carrying out an Activity and is not paid for doing so.

**Workers** – Employees, Contactors, Volunteers, Leaders

**Sexual Behaviour** - includes a wide range of actions that would reasonably be considered to be sexual in nature. Sexual Abuse as defined above is likely to involve Sexual Behaviour, however Sexual Behaviour may or may not constitute Sexual Abuse.

## 2. Reason for Code of Conduct

The core expectations of any responsible organisation require Kehillat Masada to treat all people with fairness and dignity and to care for those who are less powerful and in need of nurture and protection.

In this vein, the Board is responsible for:

- reducing the risk of abusive and unacceptable behaviour occurring;

- ensuring that high standards of conduct and behaviour of Employees, Contractors, Volunteers and Leaders are maintained at all relevant times; and
- operating systems for reporting and addressing this kind of behaviour if they do occur.

### **3. Code of Conduct**

#### **3.1 Positive Behaviour and expected standards of conduct**

##### a) Respectful treatment

All Workers and Participants must treat all people with respect for their personal space, bodily autonomy and privacy.

##### b) Physical contact limited

- i. A Worker will engage in physical contact with a Child only where such contact is necessary:
  - for the Child's safety; and
  - to demonstrate some kind of legitimate instruction pertaining to an Activity or as part of some physical element pertaining to an Activity.
- ii. Under no circumstances should physical contact extend to a person's private areas.
- iii. Greetings or farewells with a physical element (high fives, handshakes, hugs) must never go beyond what is friendly and professional.

##### c) Appropriate Observation

- i. Incidents of Abuse are unlikely to take place in front of another person. Also, the presence of a witness can assist in clarifying questionable allegations. For these reasons, Workers are encouraged to always work in pairs when engaging with Children.
- ii. All one-on-one interactions between a Worker and a Child must be carried out within sight of another Worker.
- iii. All aspects of any Activity will be open to observation by Parents, and where appropriate, other family of the Child for the purposes of the Child's wellbeing.
- iv. Workers have the right to ask people who do not have a valid reason to be present at an Activity to leave. Members of Security may be

contacted if such persons refuse to comply with any reasonable request to leave.

- v. Visits to elderly Participants, wherever occurring (e.g. their home, in a nursing home or in a hospital) should be carried out in pairs wherever possible. If that is not possible, visits should only take place with the knowledge of the relevant Activity co-ordinator (e.g. KM Cares co-ordinator) with an update about the visit sought by and delivered to the co-ordinator afterwards. Feedback from the elderly Participant must be sought by the Activity co-ordinator. If the elderly Participant is visited regularly, the visitors should rotate so that the regular visits are not all done by the one person.

d) Use of Electronic Communication

In order to avoid any doubt about the appropriateness of communication, a Worker who sends any email or text message to a Child must also send a copy of that communication to the Parent of the Child.

e) Photography and images of Children

- i. Children may be photographed or filmed while involved in KM Activities only if:
  - The context of the image is directly related to participation in our Activities;
  - The Child is appropriately dressed and posed; and
  - The photography or filming is carried out in the presence of a Worker or other responsible adult.
- ii. Photographs or videos of any Child must not be distributed in any way (including, for example, as an attachment to an email, sent through Whatsapp or posted on a social media page) to anyone outside our Kehillat Masada without the prior approval of the Parents of the Child and the relevant KM committee.
- iii. If anyone wishes to distribute such images more widely, they must first request and receive permission from the Board and the Parents of the Child in the photograph/film. The request will involve explaining how the photograph or film will be used. Permission for that use is granted at the discretion of the Board and the Parents of the Child. The Parents of the Child have the final say in this regard.

f) Transportation of Children

Workers will not transport Children by any method of transport without express written permission from the Children's Parents.

g) Direction in relation to Security

Any reasonable direction made by members of security or specific safety officers appointed by the Board or the Rabbi to Participants or Workers in respect of safety and security must be followed. This includes direction in a security crisis, or day to day instructions with respect to entering or exiting the Premises and appropriate play areas for children.

### **3.2 Prohibited Behaviour**

The following behaviours are Prohibited Behaviours:

- a) Abuse involving any person on KM Premises and /or in the course of any KM Activity
- b) Sexual Behaviour
  - i. Sexual Behaviour is prohibited on KM Premises and/or while participating or carrying out any KM Activities, whether it occurs:
    - between a Worker and a Child,
    - between Workers;
    - between any people in the presence of Children;
    - between any people, even if the people involved are over the legal age of consent.
  - ii. Sexual Behaviour involving a Worker, being a person placed in a position of authority, whether consensual or not, may constitute sexual abuse.
- c) Alcohol and Drugs
  - i. The excessive consumption of alcohol or the consumption of illegal drugs on the Premises or during any Activity is not allowed by anyone and must not be condoned by any Worker.
  - ii. Any Participant found to be under the influence of alcohol or illegal drugs while engaged in our Activities such that they are interfering with other people's personal space, safety or they become obstructive, may be asked to leave or removed from the Premises.
  - iii. Any Participant required to take prescription medication administered by a Worker during the course of any Activity will provide a letter from their physician to Kehillat Masada.

### **3.3 Unacceptable Behaviour not tolerated**

- i. Some actions may not be regarded as Abuse, but are regarded by Kehillat Masada as Unacceptable Behaviour and will not be tolerated. These include:
  - inappropriate conversation of a sexual nature;
  - coarse language, especially that of a sexual nature;
  - sexually suggestive gestures or remarks;

- jokes of a sexual nature;
  - unwelcome or uninvited touching;
  - inappropriate literature or video; and
  - recording or filming with or without prior consent, especially with respect to Children.
- ii. Other behaviour not listed above may still be deemed by the Board to be Unacceptable Behaviour.

#### 4. Selection and Screening

- a) Workers involved in Activities with Children must be carefully selected and screened by the relevant Activity co-ordinator.
- b) Prior to commencing an employment, contractor or volunteer engagement and in the application stage, the following precautions will be taken by the Board:
- i. All prospective Employees, Contractors and Volunteers must complete an application form which requests details of relevant past experience and positions held.
  - ii. All prospective Employees, Contractors and Volunteers must provide a valid Working with Children Check, and the Board will verify the check. Verification is required before an offer can be considered;
  - iii. All prospective Employees, Contractors and Volunteers must be interviewed by the President of the Kehillat Masada Board, the Rabbi (where applicable and/or related to religious activities) and one other Executive Kehillat Masada Board member, after which a position may or may not be offered.
- c) **Where Kehillat Masada has identified or has a reasonable suspicion that an applicant has previously committed a violent or sexually related offence, that applicant cannot, under any circumstances, be considered for employment or engagement with Kehillat Masada.**

#### 5. Training

- a) On establishing this Protection Policy, and henceforth at each new Worker's induction, all Workers will be told of this Policy and provided with a copy of the Policy in full and will receive formal and appropriate instruction in:
- The Policy's content and application; and
  - Reporting procedures.
- b) Leaders who are themselves Children will be given a tailored outline of the key expectations on them (see Schedule 1), along with an explanation



of the importance of the Policy and the reporting process, and appropriate training.

- c) Refresher training courses based on current 'best practice' and changes to legislation will be provided on an as needed basis deemed necessary by the Board.

## **6. Disciplining Children**

- a) **It is not the responsibility of Kehillat Masada or its Workers to discipline a Child.** If a Child:
  - i. does not abide by the rules of a particular Activity;
  - ii. becomes an obstruction to the care of other Children or Participants; or
  - iii. may cause harm to others or themselves;the Child will be removed from the situation and referred back to their Parent.
- b) **A Worker must not administer to a Child any form of physical, emotional or mental discipline.**

## **7. Reports of alleged Abuse**

- a) Kehillat Masada actively encourages internal reporting to the Protection Committee of all alleged Abuse.
- b) Kehillat Masada is committed to building an environment where an alleged victim or any Participant of any age feels able to report suspected Prohibited or Unacceptable Behaviour to the Protection Committee.
- c) It is a value of the complaints and reporting process that no one will be penalised or suffer adverse consequences for making a complaint.
- d) Kehillat Masada recognises that complaints are a valuable source of information which can help improve the organisation.

### **7.1 Protection Committee**

- a) A Committee of three people will be established to receive, handle and investigate allegations/complaints/reports of suspected Prohibited or Unacceptable Behaviour.
- b) These three people are:
  1. The Protection Officer, who is a Participant of KM and whose tenure will be reviewed annually by the Board of Kehillat Masada;
  2. a specific Executive Board member; and
  3. the Rabbi.

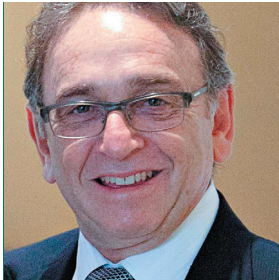
- c) The names and contact details of the people currently in these positions appear in Schedule 2.

## **7.2 Reporting Procedure**

- a) A reporting procedure has been established and appears at Schedule 3. The Protection Committee will handle complaints and conduct investigations in line with this reporting procedure.
- b) Each member of the Protection Committee must read and become familiar with the reporting procedure and the further guidance referred to within.

*End of Policy*

# PROTECTION OFFICER SPECIFIC BOARD MEMBER



**Dave Selikman**

0416 007 116



**Talya Bass**

0412 908 120



**RabbiRabbi Natti Friedler**

0409 603 176

### Schedule 3

#### Reporting Procedure as referred to in Clause 7 of the Protection Policy

- a) Any person must report their reasonable suspicion of Prohibited or Unacceptable Behaviour to any member of the Protection Committee. It is noted that a Child may choose to make a report to any adult they trust, or an elderly member to a particular person they trust. In such a case, it is the responsibility of the person who receives this information to escalate the report to the Protection Committee.
- b) “Reasonable suspicion” in this context means a fair and practical reason to believe an incident involving Prohibited or Unacceptable Behaviour has occurred based on either verbal communication, hearsay, rumour or observation of Prohibited Behaviour or Unacceptable Behaviour as defined in the Policy above.
- c) The identity of (a) those reporting alleged Prohibited or Unacceptable Behaviour and (b) the alleged victim of the Prohibited or Unacceptable Behaviour will be kept private and confidential by the Protection Committee. This information will only be disclosed to others in the strictest of confidence and within the limited context of the investigation in order to progress the investigation.
- d) When a report is received, the Protection Committee will conduct an appropriate investigation, which may involve:
  - i. Private and confidential meetings with those involved in the alleged event, with the purpose of:
    - a. ascertaining what occurred;
    - b. giving the person against whom an allegation is made the opportunity to understand the allegation (noting that, depending on the circumstances, the identity of the alleged victim may be withheld) and give their account of events;
  - ii. Two members of the Protection Committee must be present at any such private meeting and notes must be taken;
  - iii. The Protection Committee may choose to have more than one private meeting with each party, if this will help to understand what occurred;
  - iv. The Protection Committee will meet as appropriate to discuss the appropriate next step and decision, ensuring notes are taken at such meetings;
  - v. **Escalation measures** may be taken at the discretion of the Protection Committee **during an investigation**. These include:

1. if the allegation involves Prohibited or Unacceptable Behaviour carried out by a **Worker**, the **immediate suspension** from all work or other duties within Kehillat Masada while the allegations are investigated internally by Kehillat Masada, or by the police, or if court proceedings are instituted;
  2. if the allegation is in relation to Prohibited or Unacceptable Behaviour carried out by a **Participant**, **suspension** from attending Activities on KM Premises for the duration of the investigation;
- vi. **Decisive measures** may be recommended by the Protection Committee to the Board following the **conclusion of an investigation**. For example, if a Protection Committee investigation, police investigation or court proceeding concludes that Prohibited or Unacceptable Behaviour was carried out by:
1. a Worker, the Protection Committee may make a recommendation to the Board for the **immediate termination** of that Worker's involvement or engagement with Kehillat Masada. For Workers who are also Employees, this would be a recommendation for the **termination of their employment**;
  2. a Participant who is not a Member of KM, the Protection Committee may make a recommendation to the Board for the individual to be immediately **excluded** from the Premises and all KM Activities; and
  3. a Participant who is a Member of KM, the Protection Committee may make a recommendation that the Board make a resolution for the **suspension or expulsion** of that Member of KM, in accordance with Clause 13 of the Kehillat Masada Constitution and the due process set out there.
- e) Depending on the seriousness of the complaint or report, the members of the Protection Committee may be duty bound to contact the police and/or CSG. For example, any complaint or report which involves an allegation of criminal conduct or creates a suspicion of criminal conduct, should be reported to the police<sup>1</sup>. Contact details appear in Schedule 2.
- f) If a disclosure of alleged Prohibited or Unacceptable Behaviour is made, the person who receives the disclosure will maintain appropriate pastoral care to the one making the disclosure. This will include:

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<sup>1</sup> Page 45 of "Complaint Handling Guide: Upholding the rights of children and young people" - <https://pmc.gov.au/sites/default/files/publications/nocs-complaint-handling-guide.pdf>

- Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim. The matter should not be swept under the carpet;
- Assuring the person that
  - they are understood;
  - their disclosure is being taken seriously;
  - what has happened is not their fault; and
  - they are correct in disclosing what they experienced;
- Maintaining confidentiality.  
For detailed guidance, see extract below from page 23 of “*Complaint Handling Guide: Upholding the rights of children and young people*”.

- g) The following must be documented in writing and held in a secure location:
- a. all reports, allegations or disclosures of alleged Prohibited or Unacceptable Behaviour;
  - b. all details of the subsequent investigation; and
  - c. all details of meetings of the Protection Committee in connection with the investigation.
- h) Parents of Children connected to an investigation will be updated on a regular basis as to the process.
- i) As a guide, each member of the Protection Committee has reviewed and uses the 2019 “*Complaint Handling Guide: Upholding the rights of children and young people*” published by the Commonwealth of Australia, Department of the Prime Minister and Cabinet which can be accessed here:

<https://pmc.gov.au/sites/default/files/publications/nocs-complaint-handling-guide.pdf>

See extracts of this guide below.

# National Principles for Child Safe Organisations



**1** Child safety and wellbeing is embedded in organisational **leadership, governance** and **culture**.



**2** Children and young people are informed about their **rights, participate** in decisions affecting them and are taken seriously.



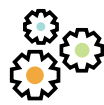
**3** Families and communities are **informed** and **involved** in promoting child safety and wellbeing.



**4** **Equity** is upheld and **diverse needs** respected in policy and practice.



**5** People working with children and young people are suitable and **supported** to reflect child safety and wellbeing values in practice.



**6** Processes to respond to **complaints** and **concerns** are child focused.



**7** **Staff** and **volunteers** are equipped with the knowledge, skills and awareness to keep children and young people safe through **ongoing education** and **training**.



**8** **Physical** and **online environments** promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.



**9** Implementation of the national child safe principles is **regularly reviewed** and **improved**.



**10** **Policies** and **procedures** document how the organisation is safe for children and young people.



**Australian Government**

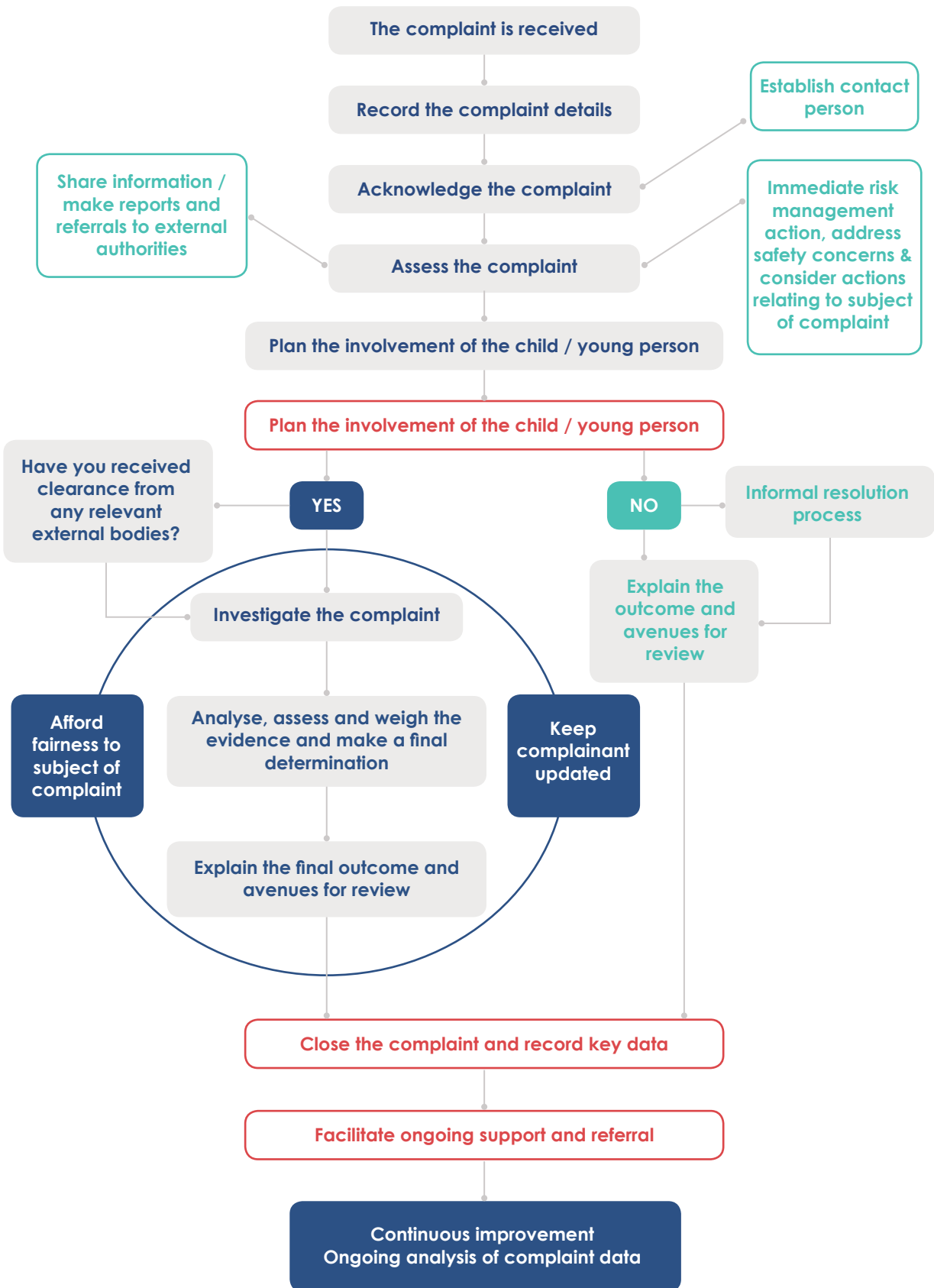
For more information, please visit

<https://pmc.gov.au/child-safety>

<https://chilsafe.humanrights.gov.au/>

# Complaint Handling:

Upholding the rights of children and young people (an overview)





It is important to distinguish between managing a disclosure of abuse from a child or young person and conducting an investigative interview. It is ok for staff or volunteers to talk with a child or young person when they are disclosing a concern. In fact, this is encouraged.

### How this might affect your organisation

Remember that the child or young person has approached you, so your job is to listen to them and let them tell you their story

in their own words. If what they are telling you involves an allegation of concerning conduct or abuse, more detailed questioning should occur later, as part of an investigative interview.

Receiving disclosures can be difficult for your staff and volunteers, practically and emotionally. It is important that they understand their role and are also well supported. They should be confident in responding to disclosures of harm.



## 5 tips for responding to a disclosure from a child or young person:

### Listen

- Listen calmly, patiently and supportively. Let the child or young person use their own words. If a child or young person has decided to talk to you, it is a sign that they trust you. You are helping them by listening respectfully to what they have to say.

### Reassure

- Let the child or young person know they are doing the right thing by speaking up, that you believe them and you are taking what they say seriously. Address any concerns about their safety, especially if they are worried about the consequences of disclosing. Tell them that what happened to them is not their fault.

### Ask

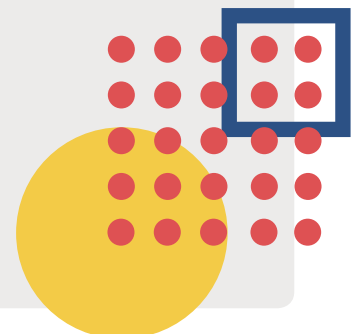
- Ask the child or young person what they need from you or your organisation so they can feel safe and involved in the process.

### Inform

- Ask the child or young person what they need from you or your organisation so they can feel safe and involved in the process.

### Respect

- Manage the child or young person's expectations by explaining to them what the next steps will be. Be clear that you may need to tell other people certain things about their experience to be able to keep them and other children and young people safe, but otherwise you will keep what they have told you private. Ask them what they need from you or your organisation so that they can feel safe and involved in the process.





**Tip!**

If a child or young person makes a disclosure that is clear enough for you to have a general understanding of what has happened, and who you need to report to, do not keep questioning them. Quizzing a child or young person for details or asking them to repeat their story can create the impression that you doubt what they have said, and it could have unintended consequences if any criminal or child protection action is subsequently taken.

At the first opportunity, write down what the child or young person told you, using their own words as best as you can recall.<sup>38</sup>



**Remember!**

Remember that if a child or young person makes a disclosure to you, it is not your job to investigate or treat it like an interview. A balance needs to be struck between encouraging the child or young person to open up and avoiding compromising a subsequent investigation. You should listen to what they have to say and not close down their disclosure. If you shut things down too quickly, the child or young person may think that you do not believe them or are disinterested.

As children and young people are more likely to open up to staff and volunteers they know well, it is critical that all personnel have an understanding of how to manage disclosures, not only those involved in handling complaints.

**Responding appropriately to children and young people with harmful sexual behaviours**

Staff and volunteers should be trained to recognise when a complaint involves problematic or harmful sexualised behaviour instigated by a child or young person towards another.

Organisations should ensure that staff are aware that problematic or sexually harmful behaviour may also occur in an online environment, e.g. sexually-based cyber bullying, sexting and non-consensual distribution of child abuse material.

Organisations need to be mindful that the views of adults about safety may be different

from the views of children and young people. In consulting children and young people about what makes them feel safe. Do not assume that what makes one child or young person feel safe will be the same for another.

Organisations should ensure that staff are aware that problematic or sexually harmful behaviour may also occur in an online environment, e.g. sexually-based cyber bullying, sexting and non-consensual distribution of child abuse material.

<sup>38</sup> Adapted from the CFA Practitioner Resource and the draft WA Child Focused Complaint Handling resource.

