

Practising with Children at the Melbourne Buddhist Centre : policy and procedures document

Preamble

It is expected that children (people aged under 18) will make contact with the Melbourne Buddhist Centre and members of its community on site at the Melbourne Buddhist Centre premises and/or through retreats and MBC off-site projects. This contact may also be through email or online via the MBC web presence.

Members of the Melbourne Buddhist Centre community may enter into a care-based relationship with children who visit our premises and programmes (including retreats). As a result, children may disclose personal details of their lives which may place community members within the jurisdiction of the appropriate legislation.

This document is developed to provide policy and guidelines for members of the *Melbourne Buddhist Centre Community* who are in contact with *Children and Young People*. It covers issues concerned with *significant risk of harm* and the *process of reporting*. Members of our community may be *mandatory reporters* of harm where there are *reasonable grounds* for making a report.

This policy complies with:

[Working with Children Regulations 2016](#)

[Child Wellbeing and Safety Act 2005](#)

CRIMES ACT 1958 - SECT 327 Mandatory reporting ([Failure to Disclose 2014](#) [Failure to Protect 2015](#))

1. Definitions

1.1 Melbourne Buddhist Centre Community

Members of the Melbourne Buddhist Centre Community include ordained members of the Triratna Buddhist Order, either those dwelling locally or visiting from other states, territories and countries. Community members also consist of Mitras (persons who have made a commitment to participating in the community) and regular attendees.

1.2 Children and Young People

In Victoria a child is a person under the age of eighteen

1.3 Significant Risk of Harm

A child is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

There are five types of 'reportable conduct' listed in the Child Wellbeing and Safety Act 2005:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that is likely to cause significant emotional or psychological harm
- significant neglect.

1.4 Mandatory Reporters

The Victorian CRIMES ACT 1958 - SECT 327 (Mandatory reporting), [Failure to Disclose 2014](#), [Failure to Protect 2015](#) provides for mandatory reporting of children at risk of significant harm.

A mandatory reporter in Victoria is any adult person. Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 18 has an obligation to report that information to police.

Failure to disclose the information to police is a criminal offence.

1.5 Reasonable Belief

A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

In addition the offence of Failure to Protect came into law in Victoria in 2015. The offence provides that a person who:

1. by reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and
2. knows that there is a substantial risk that the person will commit a sexual offence against a relevant child –

must not negligently fail to reduce or remove that risk.

The offence applies to people in authority within a *relevant organisation*. A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise. Relevant organisations include religious bodies.

2. Code of Conduct in relation with Children and Young People

2.1 General conduct

MBC community members should use common sense in their dealings with children and young people. They should be wary of-

- a) making any physical contact with children or young people
- b) interviewing or speaking with children, one-to-one, in a place of restricted access
- c) giving disproportionate assistance to any particular child or young person
- d) making contact with them outside of the context of the MBC
- e) giving gifts to children and young people which could be misconstrued.

Members of the MBC community are to insist on maintaining the clear boundaries between themselves and children and young people. Maintaining clear boundaries is an essential part of acting in a care-giving capacity.

2.2 On site at the Melbourne Buddhist Centre and on MBC Retreats

It is a requirement that children are accompanied by a responsible adult (parent or guardian) within the Centre or at retreat centre.

It is understood that children and young people are not to be left alone unsupervised in the presence of a member of the Melbourne Buddhist Centre community. Exceptions to this apply when members of the community are acting in a teaching capacity at either venue when children and young people are present. This is only to occur under the following conditions -

- i) the parent or guardian has given consent for this to occur and
- ii) the community member has a current Working with Children Check. The number is lodged with the Melbourne Buddhist Centre management team.

3. Non Reportable Conduct

Behaviour which may not constitute reportable conduct but which is considered inappropriate within the Melbourne Buddhist Centre community, includes the following:

- (a) Telling inappropriate jokes to children
- (b) Intimidation of a child/young person or a group of children/young people
- (c) Making suggestive or obscene gestures to a child/young person
- (d) Embarrassing or humiliating a child/young person
- (e) Discussing personal family issues with a child/young person
- (f) Making comparisons with siblings, either complimentary or invidious.

Non reportable conduct is addressed within the Management Structure according to internal policies and in conjunction with the child/young person and their family. This process will be guided by the Melbourne Buddhist Centre's ethical guidelines, Buddhist precepts and restorative processes.

4. Reportable Conduct

Under the Victorian CRIMES ACT 1958 - SECT 327 (Mandatory reporting), [Failure to Disclose 2014](#), [Failure to Protect 2015](#) reportable allegations or reportable convictions specifically include:

- (a) any sexual offence or sexual misconduct, with or in the presence of a child (including a child pornography offence), or
- (b) any assault, ill treatment, or neglect of a child, or
- (c) any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

5. Process of Reporting

A mandatory reporter must, where they have reasonable grounds to suspect that a child (under 18 years of age) is at risk of significant harm, report this to the Chairperson or their delegate immediately in writing by email.

In line with the Commission for Children and Young People's requirements the MBC Chairperson will report to the Commission for Children and Young People within the required THREE business days from when the head of an organisation first became aware of a reportable allegation against a worker or volunteer. Within 30 calendar days after becoming aware of a reportable allegation, the Chair of MBC will provide the Commission with detailed information about the allegation, disciplinary or other actions undertaken, and the response of the worker or volunteer to the allegation.

If anyone is aware of, or suspects, the inappropriate behaviour of a member of the Melbourne Buddhist Centre Community (reportable to the Commission or not) then they must report this to the Chairperson immediately in writing by email.

If a child makes any reportable allegations, to a member of the Melbourne Buddhist Centre community about other parties, this information is required to be passed to the Chairperson and then reported to the Commission.

6. Relevant Contacts

Working with Children Act 2005

Commission for Children and Young People www.ccyp.vic.gov.au

Ratified by MBC Committee October 2017