

SAHAJA YOGA AUSTRALIA (GENERIC) CHILD-SAFE CHILD FRIENDLY POLICY

INTRODUCTION

Our policy guides Sahaja Yoga Volunteers on how to behave with children in our organisation.

The policy focuses on how we can make Sahaja Yoga safer for children. Sahaja Yoga adheres to the teachings of H.H. Shri Mataji Nirmala Devi on morality and dharma and is committed to the protection of children from abuse.

PURPOSE

1.1 Policy Statement

Sahaja Yoga is committed to ensuring that the safety, welfare and wellbeing of children and young people is maintained at all times during their participation in activities run by Sahaja Yoga.

Sahaja Yoga aims to promote a safe environment for all children and young people and to assist all Sahaja Yoga Volunteers to recognise child abuse and neglect and follow the appropriate notification procedures when reporting alleged abuse.

Sahaja Yoga is opposed to child abuse and sexual misconduct by Sahaja Yoga Volunteers and attendees. Such conduct is a breach of trust, a misuse of power and often involves criminal conduct. It is contrary to the behaviour and conduct advocated by the Sahaja Yoga community.

Sahaja Yoga is committed to responding to child abuse, neglect and sexual misconduct when it occurs. Sahaja Yoga is also committed to pro-actively establishing and maintaining a safe environment for children who participate in the life and activities of Sahaja Yoga.

The Australian Sahaja Yoga community is committed to proactively creating a safe environment for children through: complying with the Working with Children Check (WWCC) requirements as outlined in (various state) legislation, offering training and ensuring safe environments for children and young people.

1.2 Policy Scope

This policy applies to all Sahaja Yoga Volunteers and attendees of Sahaja Yoga and its sponsored activities.

1.3 Policy Rationale

Sahaja Yoga is committed to the protection of children and young people for the following reasons:

- Abuse of children and young people is a transgression of the morality, values and behaviour promoted throughout Sahaja Yoga and of the teachings of H.H. Shri Mataji Nirmala Devi.
- Sahaja Yoga is not immune from incidents of child abuse and sexual misconduct occurring.
- Sahaja Yoga has a duty of care to ensure the wellbeing and safety of all children and young people who participate in Sahaja Yoga and Sahaja Yoga-sponsored activities. Maintaining this duty of care assists in building trust and accountability within Sahaja Yoga and with the broader community and society.

- Sahaja Yoga has a legal obligation to comply with legislation and a moral obligation to adhere to principles of good practice in areas such as working with children, reporting child abuse and neglect to relevant authorities and investigating complaints and allegations of child abuse, neglect and sexual misconduct allegedly committed or believed to have been committed within Sahaja Yoga.
- Sahaja Yoga has an obligation to perform a risk assessment prior to off-site, overnight, and at risk outdoor activities (e.g. camps) before granting permission for the activity to proceed.
- As a spiritual organisation with children's welfare as a major priority, Sahaja Yoga will carefully consider any attendees where children are likely to be present and only include those whom a panel of State Councillors assess as being sufficiently established in Sahaja Yoga Meditation and its adherence and principles of conduct.
- Any attendees considered not sufficiently established or fully adhering to the principles of Sahaja Yoga as taught by the founder of Sahaja Yoga, Her Holiness Shri Mataji Nirmala Devi will be advised to leave the premises or the event where children are likely to be present.

1.4 Policy Principles

Sahaja Yoga is committed to establishing a safe environment for children by:

- Providing adequate planning and supervision of children's programs and activities.
- Screening Sahaja Yoga Volunteers who work with children.
- Educating adults and children about the Child Safety Policy.
- Offering ongoing training opportunities for Sahaja Yoga Volunteers in child-safe practices.
- Supporting the reporting complaints in a timely manner with regard to the principles of natural justice.
- Introducing safeguards where a situation of risk has or may be identified such as before, during or after an investigation.
- Ensuring adequate insurance of equipment and cover for special events.
- Complying with the requirements of applicable legislation.
- Reporting incidents of suspected and disclosed child abuse and neglect to the various Government Community Services (child protection department) on their helpline.

A disclosure of child abuse or neglect may also be reported to Police and Police should be contacted in any situation that is an emergency.

2. Legal Framework

2.1 Legislative Framework

Sahaja Yoga recognises that it has a responsibility to adhere to guiding principles enshrined in legislation (Acts of Parliament) and established in tort and civil law (cases based on precedent rulings). A summary of these principles are provided and defined in section 13.2 of this policy.

The main Acts that provide definitions of child abuse, neglect and sexually-related offences, child-protection processes and notification requirements, age of consent and criminal-history checking processes for Sahaja Yoga volunteers are:

- Crimes Act 1900
- Crimes Amendment (Sexual Procurement of Grooming of Children) Act 2007
- Child Protection (Offenders Registration) Act 2000
- Child and Young Persons (Care and Protection) Act 1998
- Child Protection (Prohibited Employment) Act 1998

- Commission for Children and Young People Act 1998
- Child Protection (Working With Children) Act 2012 and Regulations
- The Ombudsman Act 1974
- Privacy Act 1998 (Cth)
- Family Law Act 1975 (Cth)
- Occupational Health and Safety Act 2000 (Cth) and Regulations (2001)

2.2 Legal Principles

Sahaja Yoga accepts that it has responsibility to adhere to the following legal principles and standards:

- **Duty of Care:** Means any legal responsibility that Sahaja Yoga has to ensure the safety and wellbeing of those who participate in its activities and services.
- **Reasonable Standard of Care:** Refers to the level of care that a participant may reasonably expect that Sahaja Yoga will take in providing any Sahaja Yoga sponsored activity.
- **Confidentiality and Privacy:** Under the Privacy Act (1998) Sahaja Yoga has an obligation to protect personal information that it collects. However privacy and confidentiality concerns should never impede the need to protect children, notify of real or potential risk and manage people believed to pose a real or potential risk to a child's safety or wellbeing.

3. Standards and Requirement of Responding to Children at Risk

Sahaja Yoga is committed to responding to children and young people believed to be at risk of or subject to child abuse or sexual misconduct. This policy requires all Sahaja Yoga Volunteers who work with children or in child-related areas, to take actions (either directly or via the channels outlined below) such as:

- Contact the appropriate State child-protection Helpline if a child or young person is suspected of being at risk of abuse or neglect, or discloses this, on 13 21 11 (24 hours). In an emergency the Police should also be contacted on 000.
- All suspicions and disclosures of child abuse or neglect that potentially implicate a Sahaja Yoga Volunteer or Attendee in carrying out the alleged abuse and/or neglect, must be reported to the Child Safety Coordinator.
- Encourage adults who disclose historical abuse (that occurred when they were a child), to report the alleged abuse to Police or a counsellor.
- Respond to child-child bullying, harassment and other behaviour considered to be inappropriate.
- Undertake training in child-protection and maintaining safe environments with children, as available and as required, for Sahaja Yoga Volunteers in child-related roles and other designated positions. This may include online courses and webinars.

See www.keepthemsafe.nsw.gov.au (or equivalent State website) for information on the Child Protection Helpline and responding to children at risk.

4. Ensuring Child-safe Sahaja Yoga Volunteers

Sahaja Yoga is committed to ensure that Sahaja Yoga Volunteers are suitable to work with children. The Working With Children Check helps to determine whether a person is suitable to work with children and young people.

Sahaja Yoga shall request all Sahaja Yoga Volunteers to complete and return a Prohibited Employment Declaration Form in compliance with the Working with Children Check (WWCC).

Sahaja Yoga shall organise training regarding working with children, as available as and when required by Sahaja Yoga or as mandated by legislation.

NOTE: Harsh penalties may be enforced within Australia if a person who is prohibited from working with children makes a false declaration or otherwise applies for or undertakes voluntary work with children.

Sahaja Yoga will:

- Take all reasonable efforts to ensure persons who work with children and young people have complied with the WWCC requirements in each state.
- Maintain a confidential log of persons who have complied with the WWCC.
- Store all Prohibited Employment Declaration Forms in a secure manner for 2 years after the Sahaja Yoga Volunteer ceases working with children, as required by WWCC guidelines.
- Prohibit anyone with a Court conviction or prison sentence (including a suspended sentence) for a sexual, violent or pornographic offense against a minor(s) from remaining in proximity to children's rooms, venues and facilities.

For information on the WWCC, see www.kids.nsw.gov.au or equivalent in other states.

5. Maintaining child-safe environments and activities

Sahaja Yoga will endeavour to create a safe, positive, child-focused environment for children and young people. Sahaja Yoga will endeavour to maintain safe environments for all children and youth activities by:

- Providing adequate levels of supervision for all children's activities, with a higher ration of Sahaja Yoga Volunteers for younger and/or special needs children.
- Requiring that at least two adults be present when working with children and young people.
- Ensuring that children's activities are conducted in easily monitored places that are open to external view. This means that children's and youth activity rooms will have windows or doors that allow for external visibility and activities are not undertaken in confined or concealed areas.
- Responding to bullying and other inappropriate behaviour between children and young people.
- Requiring Sahaja Yoga Volunteers to adhere to appropriate standards of conduct regarding communication and interaction with children and young people.
- Ensuring that adults in their interactions with children avoid favouritism of an individual child or younger person.
- Prohibiting Sahaja Yoga Volunteers from using physical discipline on children or young people.

Sahaja Yoga will strive to plan and conduct safe programs and activities with children by:

- Gaining prior approval of the Sahaja Yoga Australian Council for all child and youth activities, if the activities will be conducted offsite or involve an overnight stay.
- Ensuring that a log, or other suitable record, of all child and youth activities that the Sahaja Yoga Australian Council approves of is kept.
- Ensuring that venues and equipment are safe for children and young people to use.
- Obtaining parental consents and permission, where required, for particular activities.
- Transporting children and young people with due care.

See the NSW Commission for Children and Young People (2009) publication Built for Kids, available in pdf from www.kids.nsw.gov.au for more information (or equivalent in other states).

6. Dealing with Complaints - Responding to alleged child abuse or sexual misconduct.

6.1 Commitment to respond

Sahaja Yoga is committed to maintaining active measures to prevent child abuse and sexual misconduct. When these incidents occur or are alleged to have occurred, Sahaja Yoga is committed to the allegations being investigated and any real and potential risk managed by impartial, objective professional advice and recommendations.

6.2 Responding to a Situation

In response to an allegation (and either before, during or after an investigation), Sahaja Yoga will undertake the following (as applicable):

- Refer all allegations of child abuse or sexual misconduct toward a child to the Child Protection Helpline or Police as outlined in section 3 of this Policy.
- Provide support to all parties involved in the allegation, to the best of its ability, including the complainant(s) and the person subject of allegation (PSOA).
- Implement reasonable recommendations made by either the Police, a Child Protection Service, or a counsellor, investigator or other relevant professional in order to:
- Manage real and potential risk to various parties;
- Support an investigation process to take place in an unhampered manner;
- Implement outcomes that emerge as a result of an investigation.
- Take specific actions whilst allegations are being investigated including:
- Ensuring the non-participation by the PSOA in child-related roles.

6.3 NSW Ombudsman Requirements

Within NSW and some other states, some organisations are required to notify the Ombudsman when they begin an investigation into a “reportable allegation” of misconduct allegedly committed against a minor. After the investigation, the organisation is required to advise the outcome of the investigation (allegation sustained; not proved etc) to the Ombudsman. In cases where this requirement is applicable to a case that emerges in Sahaja Yoga, the organisation will ensure that it complies with the Ombudsman’s requirements.

Relevant information regarding the NSW Ombudsman’s requirements includes:

- NSW Ombudsman guidelines, see www.ombo.nsw.gov.au
- NSW Ombudsman (2004), Child Protection in the Workplace: Responding to Allegations against Employees, 3rd Edition

7. Child Safety Coordinator/s

To implement the Child-Safe Policy, Sahaja Yoga Australia will appoint a Child Safety Coordinator/s. The role of the Child Safety Coordinator will cover the following:

- Disseminate the Policy and promotional materials.
- Assist with Policy adherence.
- Coordinate Screening.

- Ensure reports are made to Police and the Child Protection Helpline in accord with the Policy.
- Promote relevant training for Sahaja Yoga Volunteers.

8. Communication

1. We will hold regular information sessions for Sahaja Yoga Volunteers.
2. Individuals over 18 years of age and all parents of children joining Sahaja Yoga will receive a copy of the Policy, Code of Conduct and Dealing with Complaints process.
3. Regular annual workshops will be held to ensure all Sahaja Yoga Volunteers are aware of the Policy, Code of Conduct and Dealing with Complaints Process.

9. Review

This policy will be reviewed at least every two years and will incorporate comments and suggestions from children and young people, parents and other Sahaja Yoga Volunteers.

10. Contact Numbers for NSW - Other states should check on-line for specific contacts.

- Community Services (NSW Government body) Child Protection Helpline – 13 21 11 (available 24 hours for advice and for making reports of children at risk or the subject of abuse or neglect).
- Victim Services: operated by the NSW Attorney General's Department – 1800 069 054 (24 hours, 7 days).
- Commission for Children and Young People (NSW screening authority for religious organisations who utilise volunteers who work with children) – 02 9286 7219.
- The National Coordinator/s for Sahaja Yoga Australia can be contacted by email at: info@leta.org.au (24 hours 7 days).

11. Definitions of Terms used in this Policy

Allegation or Complaint means a statement by a victim or non-victim complainant that alleges a Sahaja Yoga Volunteer or Attendee has or is believed to have engaged in child abuse or sexual misconduct. The alleged conduct might involve behaviour that is reportable to Child Protection authorities, or Police.

Attendee means a person who attends a Sahaja Yoga meditation program that is open for the public and that is not a Sahaja Yoga Volunteer.

Child means anyone who is under 18 years of age. When the document refers to “children and young people” “child” refers to any person up to and including 15 years of age and “young person” refers to any person 16 or 17 years of age (which is consistent with the Children and Young Persons (Care and Protection) Act 1998 (NSW)).

Child Abuse means

- (a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material (within the meaning of Division 15A of Part 3 of Crimes Act 1900)), 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.

Child Protection Service means a Government service for responding to notifications and incidents about children at risk of child abuse or neglect, or believed to be at risk of such.

Complainant means a person that lodges a complaint or otherwise makes an allegation about a Sahaja Yoga Volunteer or Attendee.

Sahaja Yoga means a non-profit group of individuals who come together to collectively enjoy meditation as part of their lifestyle and celebrate festivities associate with aspects of the teachings of Sahaja Yoga's founder, HH Shri Mataji Nirmala Devi. Sahaja Yoga meditation is freely offered to all members of the public.

Sahaja Yoga Volunteer means an individual who participates in the various collective activities of Sahaja Yoga in a voluntary capacity.

Victim means a person who discloses or alleges they are a victim or is reported and believed by someone else to be a victim or target of child abuse or sexual misconduct

For clarification or further information about anything in this WWCC Policy Australia (Generic) please contact the Sahaja Yoga Australia National Coordinator/s by email at: info@leta.org.au