Sexual Abuse Liability Insurance Questionnaire

This questionnaire is required to be completed in full as any failure to do so may result in a decision by QBE not to provide cover. If there is insufficient space to provide your detailed response, please attach your response and detail the relevant question number that you are responding to.

|  |
| --- |
| Proposer details |
| Name  | Rotary District |
| Tax Status | Registered Charity or Not for Profit Organisation | Charity ABN  |  |
| Period of Insurance | From 4.00pm on the 30/June/2016 (Local Standard Time) |
| To 4.00pm on the  30/June/2017 (Local Standard Time) |

|  |
| --- |
| 1. Please describe in full the extent of your activities and/or services provided in respect to children and/or vulnerable persons:
 |
| Cultural and educational student exchanges with Certified overseas Districts.General community activities and eventsVarious school based and Leadership programs. Refer [www.Rotary.org](http://www.Rotary.org)  |
| 1. Please provide an estimate of the numbers of Youth Exchange Students in your care, being cared for, under your supervision or under your control, Including Inbound and Outbound Long Term Exchange (LTE), and Inbound and Outbound Short Term Exchange (STE) students.
 |  |
| 1. Please provide an estimate on an annual basis of the number of children that attend Rotary Camps
 |  |
| Community activities | It is noted and agreed that Rotary comply with all Child and Vulnerable People legislation in conducting community activities. |
| 1. Do you have a documented Child/Vulnerable Person Protection Policy or Procedure?
 | Yes - please refer to the attached copy of the Rotary International Abuse and Harassment Prevention Training Manual and Leader’s Guide. |
| 1. Do you have a documented Code of Conduct?
 |
| 1. Do you have a documented procedure for dealing with complaints including whistleblowing?

(If yes, please provide a copy) |
| 1. Do you have a breach register / incident register / complaints register (if yes, please provide a copy of that document)? If yes, where and how is this information recorded, maintained and retained?
 | Yes, please refer to Appendix One - 1Sexual Abuse and Harassment Allegation Reporting Guidelines |
| 1. Are all current persons and prospective persons engaged by you or on your behalf or volunteers who come into contact with children and/or vulnerable persons subject to police criminal background checks and appropriate screening in accordance with relevant government legislation for such persons including volunteers?
 | Yes, please refer to the attached copy of the Rotary International Abuse and Harassment Prevention Training Manual and Leader’s Guide, and (Form 3) Rotary Youth Volunteer Information and Declaration Form. |
| 1. What method is used for such checks and/or screening:
 |
| 1. Do your recruitment and/or volunteer policies include Personal References?
 | Yes, please refer to the attached copy of the Rotary International Abuse and Harassment Prevention Training Manual and Leader’s Guide, and (Form 3) |
| 1. Are applicants including volunteers required to complete a declaration that the applicant has:
 |
| 1. Read and understands your policy on Child/Vulnerable Persons Protection and Code of Conduct including investigations and disciplinary procedures:
 | Yes | Please refer to the attached copy of the Rotary International Abuse and Harassment Prevention Training Manual and Leader’s Guide. |
| 1. Ever been in breach of another organisations Child Vulnerable Persons Protection Policy or Code of Conduct:
 | Yes |
| 1. Ever had concerns raised about their behaviour towards children or vulnerable persons:
 | Yes |
| 1. Ever been subject to an investigation or convicted of a criminal offence relating to abuse or inappropriate behaviour:
 | Yes |
| 1. Are external consultants used for the recruitment of staff or volunteers? If yes, are these external consultants compliant with your recruitment policies and how is this monitored by you
 | VolunteersNo external consultants are used.EmployeesRotary has a very limited number of employees and if external consultants are used they are asked to follow the Rotary International Abuse and Harassment Prevention Training Manual and Leader’s Guide in conjunction with any applicable state legislation. |
| 1. Does your organisation’s relevant board of oversight or governance regularly review and document minutes of all reported incidents or complaints relating to any abuse and review policies and procedures in light of such?
 | Yes |
| 1. Please list those persons who are responsible for your organisations policies and procedures for Child/Vulnerable Persons Protection and Code of Conduct:
 | District GovernorDistrict Insurance OfficerDistrict Youth Protection Officer, or other District Youth Program ChairClub Presidents |
| 1. Do you engage any external consultants to review your policies and procedures? If yes, by who and how often?
 | Yes we review our policies and procedures with Aon and QBE Insurance. |
| 1. Have you ever received any complaint from any person regarding actual or alleged sexual abuse or any other abuse or inappropriate behaviour involving past or present persons engaged by you or on your behalf including volunteers? If yes please supply full details.
 |  |
| 1. Are you, after reasonable enquiry, aware of any known or alleged circumstance which gave rise to a claim against you, or which may give rise to a claim against you (whether reported to insurers or not) of any person, past or present, engaged by you or on your behalf or volunteer involving sexual assault, sexual or any other abuse, or attempt at sexual assault or sexual or any other abuse? If yes, please supply full details.
 |  |

For reference in the completion of this questionnaire the following definitions apply:

**Vulnerable person** means either of the following:

(i) A person below the age of 18 years or

(ii) A person of any age who is being cared for, under the supervision of, or under the control of a Person in a Position of Trust.

**Person in a Position of Trust** means any person who is supervising a Vulnerable Person in any capacity including caring for the Vulnerable Person, teaching, otherwise in control or assisting to supervise or control a Vulnerable Person.

**Sexual Abuse** means any activity within any of the following sub-paragraphs;

All acts of a sexual nature involving physical contact.

(i) All acts of a sexual nature involving physical contact.

(ii) All acts of a sexual nature not involving physical contact including voyeurism, exhibitionism whether in public or private, exposing a person to or involving a person in pornography.

(iii) Grooming being actions undertaken with the aim of befriending and establishing a connection with a person to lower that person’s inhibitions in preparation for acts of a sexual nature with that person.

(iv) All acts of a sexual nature performed on oneself in the presence or sight of another person.

(v) For the avoidance of doubt sub-paragraphs (i) to (iv) apply whether or not the acts referred to in those sub-paragraphs were by consent or not, and irrespective of the age of the persons involved in those acts.

**Note:** sub-paragraph (i) above ‘ all acts of a sexual nature’ refers to the working definition of child sexual abuse in Chapter 3.1 of Volume 1 of the Interim report released on 30 June 2014 by the Royal Commission into Institutionalised Responses to Child Sexual Abuse. (Copy can be made available upon request)

**Claims**

**I/We hereby declare that we are not aware of any claims being made against us nor are we aware of any circumstances which may give rise to a claim other than those matters listed below.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **CLAIMS** | **REFERENCE** | **NAME** | **NOTIFIED** | **STATUS** |
|  |  |  |  |  |

**Declaration**

I/We the undersigned declare that:

1. I am/we are authorised by each of the Insured to sign this Proposal Form; and
2. the above statements are correct, true and complete; and
3. no information material to this Proposal Form has been withheld; and
4. I/we have read and understood the notices which you have put before me/us and I/we understand the advice given in relation to the duty of disclosure; and
5. I/we have diligently made all necessary and detailed enquiries in order to comply with the duty of disclosure; and
6. I/we understand that no insurance is in force until such time as the insurer has confirmed acceptance of the proposed insurance; and
7. I/We undertake to inform the insurer of any material alteration to these facts occurring before completion of the contract of insurance; and
8. I/we acknowledge that the Insurer relies on the information and representations in this Proposal Form and otherwise made by me/us in relation to this insurance; and
9. Except where indicated to the contrary, we understand that any statement made in this Proposal Form will be treated by QBE Insurance as a statement made by all persons to be insured.

|  |  |
| --- | --- |
| Signed  |  |
| Title | District XXXX Governor |
| Date  |  |
| Witness |  |

|  |  |
| --- | --- |
| Witness  |  |
| Signed  |  |
| Title | District XXXX Insurance Officer |
| Date  |  |

We recommend that you keep a record, including copies of letters and this questionnaire, of all information supplied to us for the purpose of entering into this contract.

**Appendix 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 offenses, 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 desensitize 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, adults should not determine whether the alleged conduct constitutes sexual abuse or sexual harassment. Instead, after ensuring the safety of the student, the adult should immediately report all allegations to appropriate child protection or law enforcement authorities. In some countries, this reporting is required by law.

**Allegation Reporting Guidelines**

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

1. ***Receive the report.***
* 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.
* 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.
* 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.
* Be nonjudgmental and reassure. Avoid criticizing anything that has happened or anyone who may be involved. It’s especially important not to blame or criticize the young person. Emphasize that the situation was not his or her fault and that it was brave and mature to come to you.
* 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.
1. ***Protect the young person.***

Ensure the safety and well-being of the youth program participant by 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.

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

Immediately report all cases of sexual abuse or harassment — first to the appropriate law enforcement authorities for investigation and then to the club and district leadership for follow-through.

In most situations, the first Rotary contact is the Rotarian counsellor who is responsible for seeking the advice of appropriate agencies and interacting with them. If the allegation involves the conduct of this Rotarian, the district youth program chair or district governor should be the first Rotary contact.

District 9550 will cooperate with police or legal investigations.

1. ***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.

1. ***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.

**Follow-through Procedures**

Either the district youth programs chair 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 immediately and has no contact with the alleged abuser or harasser.
2. If law enforcement agencies will not investigate, the district youth protection officer or district review committee should coordinate an independent review of the allegations.
3. Ensure that the student receives immediate support services.
4. Offer the young person an independent, non-Rotarian counsellor to represent his or her interests. Ask social services or law enforcement to recommend someone who is not a Rotarian or in any way involved with the youth program.
5. Contact the student’s parents or legal guardian. 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 authorization 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.
6. Remove alleged abuser or harasser from all contact with any other young participants in Rotary programs and activities while investigations are conducted.
7. Cooperate with the police or legal investigation.
8. 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.
9. 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.