

INTRODUCTION

Wonthaggi Theatrical Group Inc (WTG) is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

Everyone involved with WTG is responsible for the safety of children and reporting information about child abuse.

WTG has developed this policy in accordance with our legal requirements as identified by the Victorian Commission for Children and Young People (August 2016). This policy ensures WTG fulfils its obligation to do the best it can to keep children safe from harm and abuse, as required by law.

This policy is based on *A Guide for Creating a Child Safe Organisation* (CCYP, Version3, August 2016) and is accompanied by the *Reporting Allegations of Child Abuse* template and FlowChart.

If a child is in imminent or immediate danger, call 000 immediately.

CHILD SAFE STANDARDS

Victorian organisations that provide services or facilities for children are required by law to implement Child Safe Standards to protect children from harm.

Why do we need Child Safe Standards?

All organisations working with children must take steps to prevent abuse. They cannot assume that child abuse does not, and cannot, happen within their organisation.

The Child Safe Standards are a result of recommendations of the Betrayal of Trust (2012-2013) inquiry and evidence of what works to prevent child abuse.

Principles of the Child Safe Standards

Child Safe Standards aim to:

- promote the safety of children.
- prevent child abuse; and
 - ensure organisations and businesses have effective processes in place to respond to and report all allegations of child abuse.

Child Safe Standards work by:

- driving changes in organisational culture – embedding child safety in everyday thinking and practice.
- providing a minimum standard of child safety across all organisations; and
- highlighting that we all have a role to keep children safe from abuse.

Although all children are vulnerable, some children face additional vulnerabilities.

The standards provide three overarching principles for organisations to cover:

- the cultural safety of Aboriginal Children.
- the cultural safety of children from culturally and/or linguistically diverse backgrounds; and
- the safety of children with a disability.

The Child Safe Standards

There are seven standards:

- Standard 1: Governance and leadership
- Standard 2: Clear commitment to child safety
- Standard 3: Code of conduct
- Standard 4: Human resource practices
- Standard 5: Responding and reporting
- Standard 6: Risk management and mitigation
- Standard 7: Empowering children.

PURPOSE

The purpose of this policy is:

1. to facilitate the prevention of child abuse occurring within WTG.
2. to work towards an organisational culture of child safety.
3. to prevent child abuse within WTG.
4. to ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
5. to provide guidance to WTG Committee, members, volunteer workers, contractors, and other associated members of the WTG community as to action that should be taken where they suspect any abuse within or outside WTG.
6. to provide a clear statement to WTG Committee, members, volunteer workers, contractors, and other associated members of the WTG community forbidding any such abuse; and
7. to provide assurance that any and all suspected abuse will be reported and fully investigated.

POLICY

In response to the Betrayal of Trust Inquiry, the Victorian Government has introduced compulsory minimum Child Safe Standards that apply to organisations that provide services for children. The Child Safe Standards are enshrined in law and are designed to protect children from all forms of abuse.

WTG has zero tolerance for child abuse. All WTG Committee, members, volunteer workers, contractors, and other associated members of the WTG community are responsible for the care and safety of the children within our care, and for reporting information about suspected child abuse or any concerns relating to the safety of children.

Child protection is a shared responsibility between the WTG Committee, members, volunteer workers, contractors, and other associated members of the WTG community.

WTG supports and respects all children, young people and volunteers. WTG is committed to the cultural safety of Aboriginal and Torres Strait Islander children and young people, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children and young people living with a disability.

If any person believes a child is in immediate risk of abuse, telephone 000.

PROCEDURE

The WTG Committee has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Committee is also responsible for ensuring that appropriate policies and procedures and a Code of Conduct are in place.

The WTG Executive Committee is responsible for:

- dealing with and investigating reports of child abuse;
- ensuring that all members, volunteer workers and contractors are aware of relevant laws, organisational policies and procedures, and the organisation's Code of Conduct;
- ensuring that all adults within the WTG community are aware of their obligation to report any concerns, including suspected sexual abuse of a child, in accordance with these policies and procedures;

- ensuring that all members, volunteer workers and contractors are aware of their obligation to observe the Child Safety Policy; and
- providing support for members, volunteer workers and contractors in undertaking their child safe responsibilities.

The Production Team must ensure that they:

- promote child safety at all times.
- assess the risk of child abuse within their area of control and seek to mitigate any risk to the extent possible.
- educate team members about the prevention and detection of child abuse.
- facilitate the reporting of any inappropriate behavior or suspected abusive activities.
- inform the Executive immediately of any concerns relating to child safety; and
- complete the WTG Reporting Allegations of Child Abuse form.

All members, volunteer workers and contractors share in the responsibility for the prevention and detection of child abuse, and must:

- familiarise themselves with the relevant laws and WTG's policy and procedures in relation to child safety and comply with all requirements.
- familiarise themselves with the content of our Child Safe Policy and their legal obligations with respect to the reporting of child abuse;
- report any suspicion that a child's safety may be at risk to their Production Manager/Director/Organiser (or, if their Production Manager/Director/Organiser is involved in the suspicion, to a member of the WTG Executive); and
- provide an environment that is supportive of all children and young people's emotional and physical safety.

WORKING WITH CHILDREN (WWC) CHECK

WTG requires all adults to provide a Working With Children (WWC) check, or equivalent for teachers, in accordance with the law.

Use <http://www.workingwithchildren.vic.gov.au> to complete a free online application, then when you receive your WWC card from the Department of Justice and Regulation, show it to the Production Coordinator to have your WWC number and Expiry Date recorded on the WTG WWC Register.

All WTG Committee, members, volunteer workers and contractors will undergo an induction of the WTG Child Safe Policy and acknowledge their understanding of the Policy.

RISK MANAGEMENT

WTG will ensure that child safety is a part of its overall risk management approach.

REPORTING

If any person believes a child is in immediate risk of abuse, telephone 000

WTG Child Safe Policy draft as at 14th February 2018 p 3 of 10

Further, the person must immediately notify their Production Team Manager and complete a WTG Child Safety Incident Report.

The WTG Child Safety Incident Report is to be used by the Production Manager to record the alleged incident.

In situations where the Production Manager/Director/Organiser is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the President of WTG, or a Committee Member.

Production Team Managers must report complaints of suspected abusive behaviour or misconduct to the President and also to any external regulatory body such as the police as required by the relevant Victorian mandatory/voluntary reporting legislation - Children, Youth and Families Act 2005 (Vic) and Crimes Act 1958 (Vic).

INVESTIGATING

If the appropriate child protection service or the police decide to conduct an investigation of this report, all members, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the President will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the President may decide to conduct such an investigation. All members, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice.

The President will make every effort to keep any such investigation confidential; however, from time to time other members may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the alleged abuse warrants additional investigation, the President shall coordinate the investigation with the appropriate investigators and / or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

RESPONDING

If it is alleged that a member, volunteer worker or contractor may have committed an offence or have breached WTG's policies or its Code of Conduct the person concerned may be asked to cease involvement with WTG and any related activities while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

PRIVACY

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety, in accordance with *The Privacy Act 1988*. WTG will have safeguards and practices in place to ensure any personal information is protected.

Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

REVIEWING

Every two years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.

DEFINITIONS

Child

The words 'child' and 'children' refer to children and young people up to the age of 18 years.

Child protection means any responsibility, measure or activity undertaken to safeguard children and young people from harm.

Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and young person and includes any actions that results in actual or potential harm to a child or young person.

Child sexual assault is any act which exposes a child or young person to, or involves a child or young person in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child or young person to or involving the child or young person in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child or young person to lower their inhibitions in preparation for sexual activity with the child or young person.

Reasonable grounds for belief is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- a) the child/young person is in need of protection.
- b) the child/young person has suffered or is likely to suffer "significant harm as a result of physical injury"; and
- c) the parents are unable or unwilling to protect the child/young person.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

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 if:

- a) a child/young person states that they have been physically or sexually abused;
- b) a child/young person states that they know someone who has been physically or sexually abused (sometimes the child/young person may be talking about themselves);
- c) someone who knows a child/young person states that the child/young person has been physically or sexually abused;
- d) professional observations of the child/young person's behaviour or development leads a professional to form a belief that the child/young person has been physically or sexually abused or is likely to be abused; and/or
- e) signs of abuse lead to a belief that the child/young person has been physically or sexually abused.

Harm and abuse

This guide uses a broader definition of 'abuse' of children than may be adopted in Victorian legislation. The use of the word 'harm' is often used to describe an event that is seen as possibly less detrimental than 'abuse' but is clearly not in the child's best interest or promoting their safety and wellbeing.

This guide acknowledges that there is a continuum of abuse of children and views all such events, regardless of whether they are seen as 'harm' or 'abuse', as damaging. This is discussed in more detail on page 11.

Aboriginal

The term 'Aboriginal' in this guide is inclusive of Aboriginal and Torres Strait Islander peoples.

Reference

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



WTG CHILD DUTY OF CARE AND CHILD SAFETY CODE OF CONDUCT

Child Duty of Care

Purpose of this policy

To explain the legal duties owed by WTG towards children and young people, and to outline the conduct expected towards children and young people involved in WTG productions and programs.

Legal background

"Duty of care" is an element of the tort of negligence. In broad terms, the law of negligence provides that if a person suffers injury as the result of a negligent act or omission of another, the injured person should be compensated for loss and damage flowing from that negligence.

To successfully bring a compensation claim in negligence a person must establish, on the balance of probabilities, that:

- a duty of care was owed to them at the time of the injury;
- the risk of injury was reasonably foreseeable;
- the likelihood of the injury occurring was more than insignificant;
- there was a breach of the duty of care or a failure to observe a reasonable standard of care; and
- this breach or failure caused or contributed to the injury, loss or damage suffered.

The fact that a duty of care exists does not mean that an organisation will be liable for an injury sustained by a child or young person. In order for the child or young person to succeed in a negligence claim, all of these elements must be established.

From 1 July 2017, an additional duty of care will exist for any organisation in Victoria that exercises care, supervision or authority over children. This duty of care will establish a presumption of liability, such that these organisations will need to prove that they took "reasonable precautions" to prevent child abuse, if they are to successfully defend a legal claim.

Child Safety Code of Conduct

Members, volunteers and contractors are required to abide by this Code.

The Committee of Management will be responsible for:

- the overall welfare and wellbeing of members and volunteers including children;
- managing and maintaining a duty of care for children; and young people; and
- providing information and support to all members, volunteers, children, young people and their carers regarding child protection matters.

All people involved in working with children and young people on behalf of WTG will:

- work towards the achievement of the aims and purposes of the organisation;
- comply with specific organisational guidelines on physical contact with children;
- maintain a duty of care towards others involved in these programs and activities;
- establish and maintain a child-safe environment in the course of their work;
- be fair, considerate and honest with others;
- treat children and young people with respect and value their ideas and opinions;
- act as positive role models in their conduct with children and young people;
- be professional in their actions;
- maintain strict impartiality;
- respect the privacy of children, their families/carers, and only disclose information to people who have a need to know;
- maintain a child-safe environment for children and young people;
- operate within the policies and guidelines of WTG; and
- contact the police if a child is at immediate risk of abuse (telephone 000).

No person shall:

- shame, humiliate, oppress, belittle or degrade children or young people;
- unlawfully discriminate against any child;
- engage in any activity with a child or young person that is likely to physically or emotionally harm them;
- initiate unnecessary physical contact with a child or young person, or do things of a personal nature for them that they can do for themselves;
- be alone with a child or young person unnecessarily and for more than a very short time; • develop a 'special' relationship with a specific child or young person for their own needs; and • show favouritism through the provision of gifts or inappropriate attention;
- arrange contact, including online contact, with children or young people outside of WTG's programs and activities;
- photograph or video a child or young person without the consent of the child and his/her parents or guardians;

WTG Child Safe Policy draft as at 14th February 2018 p 7 of 10

- work with children or young people while under the influence of alcohol or illegal drugs; • engage in open discussions of a mature or adult nature in the presence of children; • use inappropriate language in the presence of children; or
- do anything in contravention of the organisation's policies, procedures or this Code of Conduct.

What happens if this Code of Conduct is breached?

The level of behaviour in breaching this Code of Conduct will determine the consequence, ranging from possible cessation of engagement with WTG, to police action.

Policy Accepted by Committee(date of meeting)

Signed by.....(President)

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WTG CHILD SAFETY REPORTING PROCESS

WTG CHILD SAFETY INCIDENT REPORT

Reference: WTG Child Safe Policy

Date: Child:

Parent/Guardian: Alleged Offender:
Witness/Witnesses:

WTG Team Leader Incident Reported to :

Reported Incident
Allegation

Location of incident(s)
Date and time of incident(s)

Action taken

Incident Report Referred To By Team Leader : Signatures
Child's Signature :
Parent/Guardian's Signature :
WTG Team Leader's Signature :

Privacy

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Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

Child Safety Incident Report Template

Accepted by Committee:(date of meeting)

Signed:(President)

End of document