

SAFE ENVIRONMENT POLICY

1 Introduction

The Australian National Memorial Theatre Ltd (**The National**) is one of Australia's oldest arts and education organisations.

At The National we celebrate the individual, we champion diversity, we value inclusivity and respect, and we support empathy, vulnerability and ensemble. As a cultural institution we consider that we have a unique responsibility to do so.

We are determined to provide a respectful, inclusive, and safe environment for everyone who works with us, including children.

This Policy has been developed to ensure that The National creates and maintains a child safe environment.

In this context, a child safe environment is one which protects children from abuse and harm, while fostering an environment where children feel welcome and respected.

This Policy aims to:

- (a) promote the safety of children;
- (b) keep children and young people safe from harm;
- (c) prevent child abuse; and
- (d) ensure effective processes are in place to respond to and report allegations of child abuse.

On 15 November 2016, legislation was passed to amend the Child Wellbeing and Safety Act 2005 in Victoria. This legislation change gives the Commission for Children and Young People (**CCYP**) powers to oversee and enforce organisational compliance with the compulsory minimum Child Safe Standards. The initial Child Safe Standards have since been updated following the Royal Commission into Institutional Responses to Child Sexual Abuse, and the new 11 Standards apply from 1 July 2022. The Child Safe Standards are enshrined in law and are designed to protect children from all forms of abuse.

This Policy includes the minimum 11 Child Safe Standards for a category 2 organisation as required by the Child Wellbeing and Safety Act 2005 (Vic).

This Policy will be available to access on The National website and at The National offices.

In addition to complying with this Policy, all staff must comply with all other policies of The National.

A breach of this Policy may lead to disciplinary action for those directly engaged by the National and, if criminal behaviour is involved, reported to police.

2 Statement of Commitment

The National is committed to the safety, participation and empowerment of all children and has a zero-tolerance approach toward child abuse.

We respect and support all children and we are committed to the cultural safety of Aboriginal children, children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

3 Who must comply with this Policy?

For the purposes of this Policy, staff are:

- Board members;
- management;
- production and venue personnel (e.g. actors, dancers, musicians, creatives, writers, stage management, technical crew, front of house staff);
- anyone engaged by third parties visiting or hiring The National, while they are at The National;
- full-time, part-time, and casual employees;
- contractors, sub-contractors; and
- volunteers (including interns or student placements).

The Policy must be complied with during all activities conducted by The National which involve, result in or relate to contact with children.

4 Responsibilities

4.1 Obligations of the CEO

The CEO is accountable to the Board and is responsible for ensuring that:

- (a) the Policy is implemented, monitored, and reviewed;
- (b) job advertisements clearly state the requirement for a National Criminal History Records Check;
- (c) potential staff and volunteers are screened to identify and avoid recruiting people who are not suitable to work with or around children;
- (d) all employees and volunteers have a current Working with Children Check and have signed the Code of Conduct and agreed to be bound by this Policy;
- (e) acceptable behaviour is promoted when dealing with children/young people;
- (f) any reasonable suspicion of abuse or neglect is reported immediately;
- (g) staff and all parties involved are supported if such a case is reported;
- (h) appropriate records of child safety concerns are kept;
- (i) if a report is made against a staff member, appropriate measures are taken, including that the CEO and Board may decide to make a temporary change to employment/volunteering arrangements; and

- (j) confidentiality is maintained, in accordance with legislation.

4.2 Obligations of employees and volunteers

Caring for children and young people brings additional responsibilities for employees and volunteers of The National.

All employees and volunteers of The National are responsible for promoting the safety and well-being of children and young people by:

- (a) ensuring the safety and welfare of the child or young person is paramount at all times;
- (b) treating all children and young people with dignity, equality and respect;
- (c) adhering to this policy at all times;
- (d) listening and responding appropriately to the views and concerns of children and young people at The National;
- (e) taking all reasonable steps to ensure the safety and protection of children and young people at The National;
- (f) ensuring children and young people understand their rights and explaining to the child in age-appropriate language what they can expect when participating in a service, activity or program offered by The National;
- (g) responding quickly, fairly and transparently to any serious complaints made by a child, young person or their parent/guardian; and
- (h) notifying the relevant authorities as soon as practicable if they have a reasonable suspicion that a child or young person has been or is being abused or neglected.

Employees and volunteers of The National will not:

- (i) take part in any unnecessary physical contact with a child or young person;
- (j) discriminate against any child or young person because of age, gender, cultural background, religion, vulnerability, sexuality or disability; or
- (k) develop any relationships with children or young people outside of the professional relationship

4.3 Reporting obligations

All staff are required to understand their obligation to refer a child protection matter to:

- (a) **(in emergencies)** the Victorian Police or the After Hours Child Protection Emergency Service; or
- (b) **(in non-emergencies)** make a report to the Child Protection services,

as soon as practicable if they have a reasonable belief that a child/young person has been, or is being, abused or neglected.

Factors contributing to reasonable belief may be:

- (a) a child states they or someone they know has been abused (noting that sometimes the child may be referring to themselves);
- (b) observing behaviour consistent with that of an abuse victim;
- (c) someone else has raised a suspicion of abuse but is unwilling to report it;
- (d) observing suspicious behaviour;

- (e) observing signs of physical abuse, non-accidental or unexplained injury (mandated notifiers must report);
- (f) observing signs of sexual abuse (mandated notifiers must report);
- (g) observing signs of emotional abuse or ill treatment;
- (h) observing signs of persistent neglect, poor care or lack of appropriate supervision;
- (i) observing signs of persistent family violence, parental substance misuse or psychiatric illness, or intellectual disability;
- (j) a child's actions or behaviour which places them at risk; or
- (k) where a child appears to have been abandoned.

If an incident is brought to a staff member's attention, they should take confidential notes on what they have observed and report the incident to the appropriate authority and the CEO or a member of the Board. The confidential notes should include the following:

- (l) details of all people involved including the child/young person and the staff member's details;
- (m) the reason for believing that the injury or behaviour is the result of abuse or neglect;
- (n) an assessment of the immediate danger to the child/young person;
- (o) description of the incident;
- (p) information about the family of the child/young person; or
- (q) any specific cultural details or other details, which will help care for the child/young person.

5 Procedures

5.1 Child Safety Officers

We have appointed child safety officers (Head of Schools Administration, Schools Administration Manager, Schools Administrator) as a first point of contact to provide advice and support to children, parents, employees and volunteers regarding the safety and well-being of children at The National.

5.2 Working With Children Check

All staff and volunteers are required to have a Working with Children Check and provide a copy of their current Working with Children Check to The National. The National keeps an electronic copy of all Working with Children Checks.

5.3 Code of Conduct

All staff and volunteers are required to agree to a *Code of Conduct* that stipulates their commitment to observing child safe principles and expectations for appropriate behaviour towards and in the company of children.

5.4 Commitment to diversity and inclusion

The National has adopted a diversity policy in relation to, amongst, other matters its commitment to equity and diversity. This policy applies to all staff.

5.5 Empowering and listening to children

The National values the feedback of all children. The National welcomes, supports and enables the participation of children by:

- (a) informing children of their rights where suitable;
- (b) recognising the importance of friendship and peer support;
- (c) encouraging children to express their views and ideas;
- (d) listening to the feedback of children;
- (e) encouraging children to raise concerns or complaints; and
- (f) valuing diversity and not tolerating or condoning any discrimination.

We listen to and act upon any concerns that children, young people, or their families raise with us. We teach children what they can do if they feel unsafe via our procedures outlined by teachers in our Policy and Procedures for Schools document. Information is also conveyed to Students via the Student Handbook and posters and other literature throughout The National.

We ensure that children, young people, and their families know their rights and how to access the complaints procedures available to them. We value diversity and do not tolerate any discriminatory practices.

5.6 Including family and communities

The National is committed to involving families and communities in the promotion of child safety and wellbeing by:

- (a) ensuring families participate in decisions affecting their child;
- (b) ensuring this policy is easily accessible on The National website;
- (c) consulting families and communities when reviewing the Policy; and
- (d) ensuring families, carers and the community are informed about The National's operations and governance.

5.7 Support for our staff

The National seeks to attract and retain the best employees and volunteers. We provide support and supervision so people feel valued, respected and fairly treated. We ensure that employees/volunteers who work with children have ongoing supervision, support and training so that their capacity is developed and enhanced to promote the establishment and maintenance of a child safe environment.

Strategies we have implemented include:

- (a) all new employees undergo induction and receive our policies, including this policy and relevant training occurs from time to time;
- (b) all employees receive regular supervision sessions that include a focus on ongoing learning about child protection and other matters that affect children and young people; and
- (c) child safety officers have been appointed as a first point of contact for all child protection matters

5.8 Risk reduction and management

The National believes the wellbeing of children and young people is paramount and is committed to ensuring the proper risk management processes are in place, including in relation to any online environments. The National proactively assesses and manages risks to children in order to reduce the risk of harm without compromising a child's right to privacy, access to information, social connections and learning opportunities.

Reviews of our organisation, including the health and safety processes, include reviews to identify any risks to children posed by organisational settings, activities and the physical environment.

In order to reduce and remove risk to children in the programs, activities and physical environment of the organisation, risk assessments must consider child safety strategies that will create a child friendly environment.

5.9 Complaints procedure

If a suspected incident occurs or is suspected to have occurred in connection with The National, the staff member or volunteer, or relevant person such as a child, young person or parent, must immediately notify the CEO or a Board member.

The CEO must, in addition to their other requirements as set out in this Policy or by law:

- (a) promptly conduct a preliminary review of the incident;
- (b) promptly act to ensure the safety of all children and young children;
- (c) notify the relevant authorities if a criminal activity is alleged to have occurred;
- (d) report the incident to the Board; and
- (e) ensure that the incident is appropriately investigated, including providing the person about whom the complaint was made the opportunity to reply, and then report the findings of the investigation to the Board, and, where appropriate, to staff and volunteers, communities, families and children or young people (as relevant).

Other protective actions may also be introduced to ensure the safety of children and young people within our organisation.

Our Procedures and Policy for Schools acknowledge confidentiality as a compulsory fundamental requirement in these matters.

If a child or young person reports concerns about safety, staff and volunteers must ensure they are treated with sensitivity and in a culturally safe manner. The child or young person or their families/carers should be directed toward services that can provide them with the appropriate support to manage a difficult or traumatic experience.

5.10 Communication

The National will ensure that everyone to whom this policy applies is aware of and has had an opportunity to read the policy.

We also ask employees, volunteers and parents (where appropriate) to agree that they have read and will abide by our child-safe policy.

5.11 Child protection

(a) *Child Wellbeing and Safety Act 2005 (Vic)*

Under Section 3(1) of the *Child Wellbeing and Safety Act 2005 (Vic)* 'child abuse' includes:

- (i) any act committed against a child that involves a sexual offence or other specific offences under the *Crimes Act 1958 (Vic)*; or
- (ii) the infliction of physical violence, or serious emotional or psychological harm, on a child; or
- (iii) the serious neglect of a child.

(b) *Failure to disclose offence*

The *failure to disclose offence* is an offence under the *Crimes Act 1958 (Vic)*, and came into effect on 27 October 2014 for adults who fail to disclose child sexual abuse to police. The offence applies to all adults, not just professionals who work with children. Any adult who holds a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 in Victoria must report that belief to police, unless they have a reasonable excuse for not reporting or an exemption applies.

(c) *Failure to protect offence*

The *failure to protect offence* applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. People of authority in an organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

5.12 Review

The National will review this Policy and its child safe practices at least every 2 years, in consultation with staff, families, community and children.

The reviews, any analysis of concerns, complains and incidents, the findings of any investigations and other best practice models will inform The National's approach to continuous improvement of practices and compliance with the Policy.

6 Contacts

- (a) To report concerns that are life threatening or if you believe a child is in immediate risk of being sexually abused, ring Victoria Police **000**
- (b) To make a report during office hours call your nearest Child Protection Service (8.45am - 5.00pm Monday - Friday) See <https://services.dffh.vic.gov.au/child-protection-contacts> for further details.
- (c) To report non-life threatening concerns about the immediate safety of a child after hours, call the After Hours Child Protection Emergency Service **131 278** (5pm-9am Monday to Friday / 24 hours on weekends and public holidays)
- (d) Kids Helpline (for children and young people) **1800 551 800**

For questions about this Policy, contact:

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7 Related external policies, documents and resources

Applying for a Working with Children Check -

<https://www.workingwithchildren.vic.gov.au/individuals/applicants/how-to-apply-1>

Commission for Children and Young People (CCYP) guide for Creating a Child Safe Organisation - <https://ccyp.vic.gov.au/resources/child-safe-standards/>

Reporting concerns about children or young people –

<https://services.dffh.vic.gov.au/reporting-child-abuse>

Charter of Human Rights and Responsibilities -

<https://www.humanrights.vic.gov.au/legal-and-policy/victorias-human-rights-laws/the-charter/>

United Nations Convention on the Rights of the Child - <https://www.unicef.org.au/our-work/information-for-children/un-convention-on-the-rights-of-the-child>

The Royal Commission into Institutional Responses to Child Sexual Abuse -

<https://www.childabuseroyalcommission.gov.au/>

8 Legislation

Child Wellbeing and Safety Act 2005 (Vic) - <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/035>

Children, Youth and Families Act 2005 (Vic) - <https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/131>

Failure to disclose offence - <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>

Failure to protect - <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>

Working with Children Act 2005 (Vic) - <https://www.legislation.vic.gov.au/as-made/acts/working-children-act-2005>

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