

CODE OF BEHAVIOUR

THE CIRCUS STUDIO INC. 26TH NOV 2021

PURPOSE

The Circus Studio Inc is committed to providing a safe, fair and inclusive environment free from abuse or harassment of any kind for anyone involved in our organisation. We believe that anyone in our community and everyone with whom we interact with, has the right to safety, and to be treated with respect.

“Everyone has the right to feel safe all the time. You can talk to someone about anything.”

The Circus Studio Inc is committed to providing all stakeholders with positive experiences that encourage their participation and development in circus arts.

We are committed to doing all within our power to safeguard everyone involved in The Circus Studio Inc ensuring they feel, and are, safe. Accordingly, we wish to ensure our staff and members strive for the highest possible standards with respect to safeguarding children and young people from abuse and harassment. To that end, we have developed these Codes of Behaviour to identify and prevent behaviour that may be harmful to the children and young people in our space.

This commitment also means that we promote equity and diversity by being inclusive of those from a range of different backgrounds. This includes but is not limited to Aboriginal and Torres Strait Islander people, those with disabilities, those identifying as LGBTQIA+ or gender diverse and those from Culturally and Linguistically Diverse (CALD) backgrounds.

This policy and all associated materials have been developed using templates from the Australian Sports Commission Child Safe Sport Toolkit (www.ausport.gov.au), and with support from the Sexual Assault Support Service (www.sass.org.au).

The Circus Studio Inc will take all reports of harassment or abuse seriously, and will ensure they are dealt with promptly, sensitively and confidentially. Disciplinary action can be taken against a person who has signed this policy and is found in breach of it.

This policy applies to all class participants, trainers, employees, administrators, volunteers, and members of the organisation.

Developed to protect children and young people engaged in circus arts, these guidelines have been formally approved and endorsed by our managing director, and the board.

We consider a failure to observe these guidelines as misconduct, and will take appropriate disciplinary action. In addition to any internal disciplinary proceedings, we will report to the police all instances where a breach of the law has or may have occurred.

There may be exceptional situations where these guidelines do not apply, for example, in an emergency situation. However, it is crucial that, where possible, you seek management/board authorisation prior to taking action that contravenes these guidelines or that you advise management/board as soon possible after any incident in which these guidelines are breached.

WHO IS BOUND BY THIS POLICY?

All persons involved in our organisation and in circus arts from our committee of management and senior managers to casual staff and volunteers, are required to observe these Codes of Behaviour.

KEY REQUIREMENTS

We require certain standards of behaviour from **all persons involved** in our organisation and in circus activities.

Our codes of behaviour are underpinned by the following core values:

- To display respect and courtesy towards everyone involved in circus arts and prevent discrimination and harassment.
- To prioritise the safety and well-being of children and young people involved in circus arts.
- To report any behaviour which is breach (or suspected to be), of this code to help prevent the abuse and harassment of children and young people in circus arts.
- To encourage and support opportunities for participation for all, in all aspects of our community.

POSITIVE GUIDANCE [DISCIPLINE]

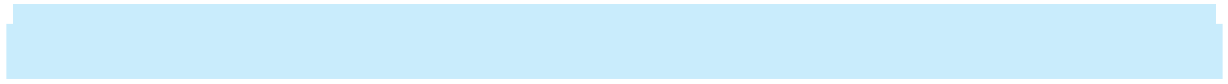
We strive to ensure that children and young people participating in circus are aware of the acceptable limits of their behaviour so we can provide a positive experience for all participants. However, there are times when staff may be required to use appropriate techniques and behaviour management strategies to ensure:

- an effective and positive environment;
- the safety and/or wellbeing of children, young people or personnel participating in sport.

We require all staff to use strategies that are fair, respectful and appropriate to the developmental stage of the children or young people involved. The child or young person needs to be provided with clear directions and given an opportunity to redirect their inappropriate behaviour in a positive manner. This should include (where possible) education about why the behaviour is inappropriate. If the staff member is uncomfortable dealing with a situation, senior staff should be involved at the earliest opportunity.

Under no circumstances are any personnel to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as shaming, degrading, cruel, frightening or humiliating.

Employees are to:

- Understand that as a trainer they have considerable power and authority over children and teach in a respectful manner that empowers learners;
 - Ensure they do not exclude or treat less favourably any participant on the basis of an attribute or personal characteristic;
 - Always assume there are diverse gender and sexual oriented people among participants and the trainers, even if they have chosen not to identify themselves, and make it clear that they will not tolerate any prejudice based on sexual orientation or gender identity.
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ADHERING TO PROFESSIONAL ROLE BOUNDARIES

All persons should not, of their own volition or at the request of a service user, act outside the confines of their duties (as specified in their position description) when involved with The Circus Studio Inc. This includes:

- providing unauthorised transportation; for example, offer a lift in a car to a minor without parent/guardian consent
- engaging in activities with children or young people who are participants of their circus classes outside class time without parent/guardian consent.
- providing any form of support to a child or young person or their family, unrelated to circus classes, because of their connection at The Circus Studio Inc
- seeking contact with children or young people (or former participants under the age of consent) outside circus classes. This includes through social media.

The following recommendation is made by the Child Safe Sport Toolkit. The Circus Studio Inc takes the view that the following circumstances may be acceptable with full transparency (notification of management/board) if the relationship existed previous to the participant's involvement at The Circus Studio Inc.

- must not accept an invitation to attend any private social function at the request of a child or young person who has participated, or is participating, in our sport – or at the request of their family.

If **any person** become aware of a situation in which a child or young person requires assistance that is beyond the confines of that person's role, or beyond the circus environment, they should undertake any or all of the following at the earliest opportunity:

- refer the matter to an appropriate support agency;
- refer the child or young person to an appropriate support agency;
- contact the child or young person's parent or guardian;
- seek advice from management.

SEXUAL MISCONDUCT

Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of, children or young people. Engaging in sexual behaviour while participating in our classes or events is prohibited even if the persons involved may be above the legal age of consent.

'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered sexual in nature, including but not limited to:

- 'contact behaviour', such as sexual intercourse, kissing, fondling, inappropriate touching (unnecessary and/or non-consensual), sexual penetration or exploitation of a child
- 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity. Sexual communication of any form at Circus Studio classes and events is prohibited.

The Circus Studio Inc strongly discourages intimate and/or sexual relationships between employees and participants of any age, and or developing/maintaining a trainer student relationship in the space (or at any Circus Studio events).

Should an intimate or sexual relationship develop between an adult participant and an employee, the following process will be implemented:

1. The employee will be reminded of their obligations under this code of behaviour;
2. The employee will be given the option to be removed from any classes where they teach the student in question (if they wish to pursue the relationship).

The Circus Studio recognises the small community we are a part of, and as such may be willing to consider the student-teacher relationship safe for both parties to pursue in their roles.

The Circus Studio would appreciate disclosure of the relationship, so as to best support the trainer and the student.

If such a relationship should develop the following behaviours will not be tolerated by The Circus Studio while participating in our classes or events.

- Contact behaviour (as above)
- Non-contact behaviour (as above)
- Favouritism in class.

The Circus Studio reserves the right to remove the trainer from classes where they teach the student in question at any time, even after official disclosure of the relationship and negotiation of terms, and to take disciplinary action including termination of employment.

Pre-existing relationships between trainers and students - that is, those relationships that existed before the training relationship - must be disclosed to the Managing Director prior to employment or the commencement of the new student in classes.

Sexualised behaviour from members of staff will not be tolerated.

Sexualised behaviour from participants will be addressed immediately.

RESPONDING TO A DISCLOSURE OF HARM

Employees of The Circus Studio Inc. are frequently trusted adults for the children and young people to whom we deliver our service and, as such, are mandatory reporters under Australian Law. In the event of a child disclosing an incidence of harm, the employee should:

- Not assess the validity of such allegations or concerns, but report all allegations or concerns to the nominated person or persons within The Circus Studio Inc, as described in the child protection policy (the validity of an allegation will then be assessed in the manner described in this policy)
- Disregard factors such as the authority or position of the persons involved and any pre-existing views about the good character, or otherwise, of any person involved or under investigation.

In situations where a child or young person is making an allegation, our staff and volunteers are required to:

- **Listen** to the allegation or disclosure supportively, without dispute.
- **Clarify** the basic details, if necessary, without seeking detailed information or asking suggestive or leading questions, using our organisation's 'Child Abuse Incident Form'.
- **Ensure the immediate safety** of the child. Explain to the child (if present) that other people may need to be told to stop what is happening; providing reassurance that our organisation will take immediate action in response to the allegation.
- **Record** on the Child Abuse Incident Form what was said (where possible, noting the exact words used by the person making the allegation). Date and sign the form.
- **Report** the matter as per organisational policy requirements (as stated earlier), which are to:
 - Strong Families, Safe Kids 1800 000 123 and/or Tasmania police 131 444, or 000 (emergency) immediately (i.e. before the end of the person's shift / session of work).

- A Managing Director is responsible for ensuring that the incident is reported to the relevant authorities immediately (i.e. before the end of the person's shift / session of work).

If the Managing Director is unavailable (or they are the subject of the complaint), our staff and volunteers are required to report the matter to the president of the board.

UNIFORM OR IDENTITY CARD/PASS/BADGE

All persons should wear their uniform (or appropriate attire as requested) only while involved in delivering service or as required by The Circus Studio Inc., such as when representing our organisation at designated events, and travel to and from work.

USE OF LANGUAGE AND TONE OF VOICE

Language and tone of voice used in the presence of participants should:

- provide clear direction, boost their confidence, encourage, affirm and empower them
- encourage language of safety, that is clear in meaning to everyone, and avoid language that is:
 - discriminatory, racist or sexist
 - forceful or coercive
 - shaming, derogatory, belittling or negative
 - intended to threaten or frighten
 - profane or sexual.

SUPERVISION

All persons are responsible for supervising the children and young people engaged in circus activities to ensure those participants:

- engage positively with activities;
- behave appropriately toward one another, for example, supporting differing teaching styles; and
- are in a safe environment and are protected from external threats, for example, ensuring children will be collected after class, being aware of class observers.

All persons are required to avoid one-to-one unsupervised situations with children and young people to whom we provide services, and (where possible) to conduct all activities and/or discussions with participants in view of other personnel.

USE OF ELECTRONIC OR ONLINE COMMUNICATIONS

We prohibit all social media communication between employees (including board members), and the children and young people (under the legal age of consent) to whom we provide service— without the express permission of the board and parent/s or guardians.

Where direct communication is necessary, email and text messages sent to a child or young person should be kept and available to their parent or guardian.

Where a parent is not included in the communication:

- Restrict such communication to issues directly associated with delivering classes and activities, such as advising that a scheduled event is cancelled.
- Limit the personal or social content in such communications to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature.
- Do not use such communication to promote unauthorised 'social' activity or to arrange unauthorised contact.
- Never request a child or young person to keep a communication a secret or private from their parents.
- Do not communicate with children or young people using Internet chat rooms or similar forums such as social networking sites, game sites or instant messaging.

All persons are required to ensure appropriate monitoring of children and young people when they use our organisation's electronic communication equipment to ensure they do not inadvertently place themselves at risk of **abuse** or exploitation via social networking sites, gaming sites or through web searches, or inappropriate email communication.

GIVING GIFTS

The board must authorise any gifts to children or young people involved in circus classes, or to their families, including rewards, prizes, treats, or second-hand equipment. Approval from parents/guardians must be sought if the gift is for an individual student

PHOTOGRAPHS OF CHILDREN AND YOUNG PEOPLE

The general rule is that where an activity is taking place in public it is legal for anyone (including parents) to take pictures of sporting activities without permission. Where the photo is deemed indecent or offensive it will be considered in violation of this policy. For private property the general rule is permission is required and restrictions on photography can be imposed.

Under these guidelines:

- children and young people to whom we deliver service may be photographed while involved in circus only if:
 - the parent/guardian has granted prior and specific approval;
 - the context is directly related to participation in circus;
 - the child is appropriately dressed and posed (the photo should not focus on or draw attention to chest or genital areas); and
 - the image is taken in the presence of other personnel.
- Images are not to be distributed (including as an attachment to an email) to anyone outside our organisation other than the child photographed or their parent, without management and/or board knowledge and approval.

- Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others, for example: hard-copies in a locked drawer or cabinet; electronic copies in a 'password protected' folder.
- Images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required.
- Images are not to be exhibited on our website or in publications (annual report) without parental knowledge and approval (through a signed image consent form), or such images must be presented in a manner that de-identifies the child or young person. Any caption or accompanying text may need to be checked so that it does not identify a child or young person if such identification is potentially detrimental.

PHYSICAL CONTACT WITH CHILDREN AND YOUNG PEOPLE

Any physical contact with children and young people must be appropriate to the delivery of circus classes (such as spotting) and based on the needs of the child or young person (such as to assist or comfort a distressed young person, for which consent should always be gained) rather than on the needs of our personnel.

Under no circumstances should any of our personnel have contact with children or young people participating in circus that:

- involves touching:
 - of genitals;
 - of buttocks;
 - of the breast area;
- 1. that is other than as part of delivering a safe class;
- would appear to a reasonable observer to have a sexual connotation;
- is intended to cause pain or distress to the child or young person – for example corporal punishment;
- is overly physical (for example, wrestling, horseplay, tickling or other roughhousing), if this occurs as part of a class, participation should always be optional;
- is unnecessary (for example, assisting with toileting when a child does not require assistance);
- is initiated against the wishes of the child or young person, except if such contact may be necessary to prevent injury to the child/young person or to others, in which case:
 - physical restraint should be a last resort, and only in cases where the physical safety of the young person or others around them is at risk. Where possible, young people should be made aware that this is likely to happen should they engage in activities with high physical risk (eg: acrobatics, aerial etc);
 - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the child or young person to prevent harm to themselves or

others;

- any physical spotting techniques must be delivered with verbal, informed, ongoing consent

All persons are required to report to management any physical contact initiated by a child or young person that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the child or young person, our personnel and any other participants.

OVERNIGHT STAYS AND SLEEPING ARRANGEMENTS

Overnight stays are to occur only with the authorisation of our managing director and of the parents/ guardians of the children or young people involved. Such approval needs to be prior written approval (this can include electronic messaging formats such as email or SMS)

Practices and behaviour by **all persons involved** during an overnight stay must be consistent with the practices and behaviour expected during delivery of our classes at other times.

Standards of conduct that must be observed by **all persons involved** during an overnight stay include:

- providing children and young people with privacy when bathing and dressing;
- observing appropriate dress standards when children and young people are present – such as no exposure to adult nudity;
- not allowing children or young people to be exposed to pornographic material, for example, through movies, television, the Internet or magazines;
- not leaving children under the supervision or protection of unauthorised persons such as hotel staff or friends;
- not involving sleeping arrangements that may compromise the safety of children and young people such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a child or young person;
- the right of children to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay;
- Parents expecting that their children can, if they wish, make contact.

CHANGE ROOM ARRANGEMENTS

All persons involved are required to provide individual, private change areas. If this is not possible, open lines of communication should be available to young people at all times in regards to personal privacy. In addition:

- avoid one-to-one situations with a child or young person in a change room area;
- all persons are not permitted to use the change room area to, for example, undress, while children and young people are present;
- all persons need to ensure adequate supervision in 'public' change rooms when they are used;
- all persons need to provide the level of supervision required for preventing abuse by

members of the public, adult service users, peer service users, or general misbehaviour, while also respecting a child's privacy;

- female personnel are not to enter male change rooms and male personnel are not to enter female change rooms. Non binary private changing areas should be made available for those who do not wish to disclose their gender identity

USE OF, POSSESSION OR SUPPLY OF ALCOHOL OR DRUGS

While on duty, **all persons** must not:

- use, possess or be under the influence of an illegal drug;
- use or be under the influence of alcohol;
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs;
- supply alcohol or drugs (including tobacco) to children and young people participating in our sport.

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with your ability to care for children involved in our service. See Drug and Alcohol policy.

TRANSPORTING CHILDREN

Children and young people are to be transported only in circumstances that are directly related to activities of The Circus Studio Inc., and only with prior authorisation from the managing director and from the child's parent/guardian. Such approval needs to be in writing.

Examples of prior written approval could include electronic messaging formats such as email or SMS.

Gaining approval involves providing information about the proposed journey, including:

- the form of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat;
- the reason for the journey;
- the route to be followed, including any stops or side trips;
- details of anyone who will be present during the journey other than our personnel.

COMMUNICATION

We communicate our Codes of Behaviour requirements to **all persons** with children and young people in our organisation. We involve the board in reviews of our Codes of Behaviour requirements. We communicate any significant alterations to our Practice and Behaviour requirements and resources to all personnel.

MONITORING AND REVIEW

This document will be reviewed annually, in consultation with stakeholders. Some circumstances may

trigger an early review, this includes but not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Board and/or Managing Director. We retain records of each review undertaken. Such records may include minutes of meetings and documentation of changes to policies and procedures that result from a review.

Date of last review:	By:
November 2021	TCSI Committee
12 th April 2019	Adie Delaney