

CHILD/MEMBER PROTECTION POLICY AND PROCEDURE

THE CIRCUS STUDIO INC. UPDATED 26TH JULY 2018

Purpose:

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

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

Specific Objectives of policy:

- To raise awareness of issues of harassment, abuse, and victimising behaviour
- To prevent harassment, victimising behaviour and abuse at The Circus Studio Inc.
- To establish procedures and a Code of Behaviour to be followed that identifies, prevents and manages hazards relating to Child Protection
- To establish procedures and a Code of Behaviour to be followed when receiving disclosures of harm
- To emphasise the holistic approach of The Circus Studio where everyone has responsibility to prevent harassment, victimising behaviour and abuse

Policy statement:

- All forms of harassment and abuse are unlawful under federal, state and territory law
- People engaging in harassment and abuse can have legal action taken against them under these laws
- In some cases, legal action can also be taken against the organisation for which they work or represent
- For this reason, The Circus Studio Inc has a legal responsibility to ensure that harassment or abuse does not occur in the course of any of our activities
- The law is always the minimum standard for behaviour within the organisation and therefore any criminal offence will be reported to the appropriate authorities

<p>HARASSMENT</p> <p><i>Unwelcome verbal or written comments, conduct, or gestures, is insulting, intimidating, humiliating, malicious, degrading or offensive. Harassment will always be defined by those who perceive the behaviour as unwanted</i></p> <p>Sexual harassment is unwanted behaviour as per harassment of a sexual nature</p> <p>A member must not engage in any form of harassment, which can include but is not limited to:</p>	<p>Written, verbal or physical abuse or threats;</p> <p>Unwelcome physical contact;</p> <p>The display of offensive materials;</p> <p>Promises or threats in return for sexual favours;</p> <p>Unwelcome sexual comments, jokes or propositions;</p> <p>Homophobic or sexualised comments or behaviours; or</p> <p>Jokes or comments directed at a person’s body, looks, age, race, disability, sexuality, marital status or pregnancy.</p>
<p>ABUSE</p> <p><i>Behaviour or treatment that causes another person harm and can include verbal, sexual, physical, emotional or financial, or actions of neglect</i></p> <p>Sexual abuse is any unwanted sexual behaviour involving physical contact</p> <p>A member must not engage in any form of abusive behaviour, which can include but is not limited to:</p>	<p>Intimate sexual relationships or sexualised behaviour</p> <p>Physical contact without consent</p> <p>Inappropriate or unnecessary touching when demonstrating techniques</p> <p>Inappropriate training methods requiring children to take on extra physical loads as ‘punishment’</p> <p>Physical aggression when disciplining a child</p>

<p>LEGISLATION</p> <p>A member will be aware of, and adhere to all laws pertaining to their participation and duties at The Circus Studio Inc</p>	<p>In Tasmania, 'persons who provide child care or a child care service for fee or reward' are mandated to report known or suspected abuse or neglect of children to Child Protection Services, or to police. See Ss3, 4 &14 Children, Young Persons and their Families Act 1997 (Tas)</p> <p>Any adult, regardless of whether they are required to do so by law, who reasonably suspects that a child or young person is at risk of being neglected or physically, sexually or emotionally abused has a responsibility to report it to Child Protection Services, or to police</p> <p>The legal age of sexual consent in Tasmania is 17. It is illegal to expose a child under the age of 12 to any sexual act or material. Sex with a minor, of either the same or the opposite sex, is a criminal offence and will be reported to the appropriate authorities. The law is always the minimum standard for behaviour within The Circus Studio Inc.</p>
<p>VICTIMISING BEHAVIOUR</p> <p><i>Subjecting a person, or threatening to subject a person, to any detrimental or unfair treatment because that person has or intends to pursue his or her right to make a complaint or support another person in making a complaint against another person. Victimising language includes any comment that implies fault of the person subject to harassment or abuse.</i></p> <p>All persons signing this document shall remain aware of, and aim to eliminate victim-blaming behaviour which can include but is not limited to:</p>	<p>Placing blame on a person who has been subjected to harassment or abuse</p> <p>Questioning the validity of an allegation due to someone's gender, position, sexuality, race, social standing etc</p> <p>Defending inappropriate behaviour because of someone's gender, position, sexuality, race, social standing etc</p>

Responsibilities:

<p>The Circus Studio Inc</p>	<p>Is responsible for taking all reasonable steps to prevent harassment and abuse, respond appropriately to disclosures of harm, and ensuring our policy is well known throughout the organisation.</p> <p>This means we will take whatever steps are necessary to ensure that everyone in The Circus Studio Inc is aware:</p> <ul style="list-style-type: none"> ○ what harassment/abuse means, ○ that it is against the law, and ○ that it will not be tolerated <p>Has an 'open door' policy in regards to classes. This means parents and guardians (including family members and friends) may observe classes involving minors at any time. Anyone without a direct connection to a participating or potentially participating child may be asked to leave by a staff member if they feel uncomfortable with the observer</p>
<p>All members</p>	<p>will be informed about this policy through The Circus Studio Inc's website.</p> <p>comply with this Policy;</p> <p>offer support to anyone who is being harassed and let them know where they can get help and advice;</p> <p>make complaints about a breach of the Policy in accordance with the organisation's complaints handling procedure;</p> <p>maintain complete confidentiality if they provide information during the investigation of a complaint;</p> <p>conduct themselves in a respectful manner so as not to bring the organisation into disrepute, or cause further harm</p> <p>adhere to the Code of Behaviour when at The Circus Studio Inc space or events</p>
<p>The Board</p>	<p>Has ultimate responsibility for ensuring the organisation is free of harassment and abuse</p>

<p>Managing Director</p>	<p>Has ultimate responsibility for ensuring the organisation is free of harassment and abuse</p> <p>Has a direct responsibility to make sure that members of The Circus Studio Inc community are aware of this policy and adhere to it</p> <p>To be trained in, and implement this policy across the organisation</p> <p>To ensure all personnel are inducted and trained in this policy and Code of Behaviour</p> <p>Is responsible for ensuring that the policy and procedures are monitored and reviewed regularly</p> <p>Ensure all staff (including themselves) maintain a valid Working With Children and Vulnerable People check for the duration of employment</p> <p>Ensure all senior staff have access to support and advice to understand and implement procedures</p>
<p>Teaching staff</p>	<p>Have day-to-day responsibility for implementing this policy</p> <p>Have a direct responsibility to make sure that members of The Circus Studio Inc community are aware of this policy and adhere to it.</p> <p>Will be trained in this policy and its implementation at their induction and staff meeting</p> <p>Comply with this policy and the Code of Behaviour</p> <p>Maintain a valid Working With Children and Vulnerable People check for the duration of employment</p> <p>Attend trainings where requested to maintain employment status</p> <p>Ensure that there is always a minimum of three people present when working with minors</p>

Administrators	<p>Provide and promote an environment free from discrimination, harassment and abuse in all aspects of the organisation</p> <p>Distribute, promote and implement this Policy and Complaints Handling Procedure;</p> <p>Encourage reporting of harassment or abuse regardless of persons involved, and that appropriate training is provided to those who manage and implement this Policy; and</p> <p>Deal with reports in an impartial, sensitive, timely and confidential manner</p> <p>Maintain a valid Working With Children and Vulnerable People check for the duration of employment</p> <p>Review and update this document and supporting resources in consultation with relevant stakeholders</p>
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In the interests of minimising the likelihood of harm to minors, The Circus Studio Inc only accepts those aged 17 years or older into adult classes. Those over the age of 17 may not participate in child/youth classes, however exceptions include:

- Participants who have been attending classes at The Circus Studio Inc for a minimum of one year prior to turning 17 and maintain enrolment in youth classes,
- Parents who are present with their child (for whom they are legally responsible) solely to encourage the child’s participation,
- Prospective youth circus students who are under the age of 25, have evidence of a minimum of three years training in another recognised youth circus and can provide character references.

The Circus Studio Inc reserves the right to refuse enrolment or participation in youth classes to anyone over the age of 17 even if the above criteria is met.

There will be some circumstances where our community members will be engaged in activities together, such as open days, rehearsals and events. Under these circumstances we encourage our members to participate fully and get to know other participants of all ages. In the interests of minimising harm to minors in these situations, The Circus Studio commits to ensuring trained staff members are present during these times, and that clarity regarding appropriate behaviour is maintained at all times.

Procedures:

Suspected or observed harassment	<ul style="list-style-type: none"> ● Staff member to engage in their capacity as an ethical bystander to stop and redirect the behaviour ● Notify a senior member of staff who will take on the issue unless inappropriate or the alleged would prefer another staff member ● Assess whether the alleged wishes to make a formal complaint, take details in accordance with the Code of Behaviour ● Notify the alleged of the effect of their behaviour and follow with disciplinary action if necessary
Suspected child abuse	<ul style="list-style-type: none"> ● If a staff member suspects abuse or neglect of a child in their care, it must be reported. Urgent notifications should be made on 1800 000 123, otherwise at: https://www.dhhs.tas.gov.au/children/child_protection_services/what_can_i_expect_when/child_protection_notification_form ● Remain open and approachable, creating time and space for the child to talk in accordance with the Code of Behaviour
Disclosure of harm	<ul style="list-style-type: none"> ● Our staff and volunteers are required to report any instance of serious abuse or neglect (cases in which a child or young person has suffered, or is likely to suffer, significant harm from abuse or neglect) immediately, or if that is not possible, no later than before ending that person’s shift or session of work with our organisation. ● If a child or young person is at imminent risk of harm or in immediate danger, our staff and volunteers are required to report the situation directly to Child Protection Services. Where possible, ensure the child’s immediate safety ● The staff member listens to the child in accordance with the Code of Behaviour ● Complete a ‘Disclosure of Harm Incident’ form ● Make a mandatory report to Child Protection Services 1800 000 123, https://www.dhhs.tas.gov.au/children/child_protection_services/what_can_i_expect_when/child_protection_notification_form ● Inform a senior staff member, the managing director, or both ● The managing director is responsible for notifying any other staff members who may need to be made aware in order to create a safety plan for the child ● Staff member who received the disclosure to follow up with their own self-care plan, maintaining ongoing communication with the managing director

Consequences of breaching policy

If our staff and volunteers fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person – by staff and volunteers within our organisation or by

others – we view such failure as a serious matter that, depending on the circumstances, may result in disciplinary action or be grounds for dismissal.

Our policy prohibits all staff and volunteers from:

- discussing any concerns or allegations with unauthorised staff and volunteers – within or outside our organisation – such prohibition not being designed to limit, in any way, their rights and responsibilities to report their concerns or allegations, but rather as part of our organisation’s commitment to ensuring privacy, confidentiality and natural justice
- making deliberately false, misleading or vexatious allegations.

Our staff and volunteers are obliged to raise any concerns they might have in relation to:

- our organisational policies designed to safeguard children and young people – such as outlined in our Code of Behaviour and this policy
- actions of other staff and volunteers within our organisation that contravene our policies, or that may otherwise have the potential to harm a child or young person.

Reporting of concerns or allegations regarding abuse or neglect by family or other external sources

As a policy, the Circus Studio Inc requires all of its staff and volunteers to report any instance of child abuse or neglect that has resulted in, or is likely to result in, significant harm to a child or young person, to either:

- Strong Families Safe Kids (Child Protection Services) and/or Tasmania Police 131444, immediately (i.e. before the end of the person’s shift / session of work).
- The managing director will ensure that the incident is reported 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.

The following legal mandatory reporting requirements also apply to staff and volunteers within our organisation:

(please refer to <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>)

Mandatory reporting legislation and summary	Relevant staff and volunteers who must comply
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<p>Department of Health and Human Services</p> <p>This legislation requires that anyone who believes, or suspects, on reasonable grounds, or knows of any sexual abuse; physical or emotional injury or other abuse, or neglect, to extent that the child has suffered, or is likely to suffer, physical or psychological harm detrimental to the child's wellbeing; or the child's physical or psychological development is in jeopardy</p>	<p><i>Medical practitioners; registered or enrolled nurses; persons registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery, dental (dentists, dental therapist, dental hygienist or oral health therapist) or psychology professions; police officers; probation officers; principals and teachers in any educational institution including kindergartens; persons who provide child care or a child care service for fee or reward; persons concerned in the management of an approved education and care service, within the meaning of the Education and Care Services National Law (Tasmania) or a child care service licensed under the Child Care Act 2001; any other person who is employed or engaged as an employee for, of, or in, or who is a volunteer in, a government agency that provides health, welfare, education, child care or residential services wholly or partly for children, and an organisation that receives any funding from the Crown for the provision of such services; and any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons</i></p>
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We ask that our staff and volunteers also inform our board president, and vice president of any report they make to those authorities, to enable our organisation to best provide support to the child or young person, their family and our staff and volunteers, where appropriate.

All our staff and volunteers retain the right to report directly to relevant authorities, such as police or child protection, any concerns they may have in relation to the safety and welfare of a child or young person, regardless of whether or not they have also reported that matter internally.

Additional requirements where concerns or allegations of abuse or neglect involve our staff or volunteers

All staff and volunteers must report, immediately, to the managing director any breach of the Code of Behaviour arising from an action by an employee or volunteer within our organisation.

In response to any instance of 'serious' breaches which relate to abuse or neglect ('serious' being cases in which the abuse or neglect has resulted in, or is likely to result in, significant harm to a child or young person) the managing director will investigate and deal with allegations of inappropriate and unacceptable behaviour towards a child in line with our organisation's general procedures for complaint resolution and disciplinary measures and in consultation with Police and other authorities.

If a 'serious' allegation has been made against a staff member of our organisation, the managing director will:

Fill in a 'Child Abuse Incident Form' form to ensure all relevant details are documented

- cooperate with the Police and other authorities and assist in their investigation of the allegation
- take any action necessary to safeguard the child or young person (or other children or young people in our care) from additional harm through options such as:
 - redeploying that staff member to a position where they do not work with children
 - additional supervision of that staff member
 - removing/suspending that staff member from duty until the validity of the allegations is determined
- assist in addressing the support needs of those impacted by the allegation including considerations of cultural safety for :
 - the child and their family (this includes any specific support needs for those from an Aboriginal and Torres Strait Islander; Culturally and Linguistically Diverse; or person with a disability background);
 - the person against whom the complaint is made by, for example, offering professional counselling
 - other staff and volunteers impacted by the allegations
 - make clear to all other staff and volunteers who are aware of the allegation that:
 - the allegation does not mean the person is guilty, and that the allegation will be properly investigated and will include the right to 'procedural fairness'
 - they are not to discuss the matter with any person, except as directed by police, child protection authorities and/or our [x insert name/title of nominated person within your organisation x] and only in direct relation to investigation of the allegation.

All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or young person arising from an action by an employee or volunteer within our organisation will be investigated and will be the subject of a critical incident review.

No staff member or volunteer who makes a report on reasonable grounds shall be threatened, intimidated or caused damage, loss or disadvantage because they have reported or propose to report suspected abuse or neglect.

Confidentiality and privacy

Our organisation maintains the confidentiality and privacy of all concerned (including the alleged perpetrator), except if doing so would compromise the welfare of the child or young person and/or investigation of the allegation.

Documentation

As part of our policy for responding to reports or allegations of child abuse, we have developed a Child Abuse Incident Form, which is to be used by any of our people to document any allegation, disclosure, incident or concern regarding child abuse. In situations where our staff and volunteers become aware of abuse whether through observation of potential indicators, such as bruises or cuts, or by directly observing potentially abusive behaviour towards a child or young person, they are required to use our Child abuse Incident Form to record their observations and concerns as accurately as possible.

Our [x insert name of nominated person/position within your organisation x] will oversee creation of a file to contain the completed Child Abuse Incident Form and any other documentation relating to the allegation and subsequent action.

So as to prevent access by unauthorised persons, our organisation stores any documentation associated with an allegation of abuse or neglect of a child or young person by having:

- hard-copy documentation stored in a locked filing cabinet (or similar)
- electronic documentation stored in a password-protected folder (or similar).

We maintain and regularly monitor records of child abuse reports as part of our Incident Management processes to ensure that they are responded to effectively in accordance with this policy and that requirements for reporting to external authorities are complied with.