



CHILD PROTECTION POLICY

Date approved by the Board: February 2021

Next Review Date: February 2023

Note: This policy has been developed using the *Our Communities* template

Related Documents

- This policy must be read in conjunction with:
 - The laws of the Commonwealth and the laws of NSW;
 - The FFFC's Code of Conduct for Employees, Volunteers and Contractors.
 - The FFFC's Code of Conduct for Junior Trainers
 - The FFFC's Whistleblower Policy
 - The FFFC's Complaints Handling Policy
 - The FFFC's Child Protection Policy Flow Chart
 - Child protection Toolkit 2018 (published by Our Communities)

Rationale

Introduction

The Flying Fruit Fly Circus (FFFC) is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

Everyone working for, contracting to or volunteering at the FFFC is responsible for the care and protection of children and for reporting information about child abuse.

Purpose

The purpose of this policy is

1. To facilitate the prevention of child abuse occurring within the FFFC.
2. To work towards an organisational culture of child safety.
3. To prevent child abuse within the FFFC.
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 staff/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organisation.
6. To provide a clear statement to staff/volunteers/contractors forbidding any such abuse.
7. To provide assurance that any and all suspected abuse will be reported and fully investigated.

Policy

The FFFC is committed to promoting and protecting at all times the best interests of children involved in its programs.

All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.

The FFFC has zero tolerance for child abuse. Everyone working for, contracting to or volunteering at the FFFC is responsible for the care and protection of the children within our care and reporting information about suspected child abuse.

Child protection is a shared responsibility between the FFFC, all employees, workers, contractors, volunteers, associates, and members of the FFFC community.

The FFFC supports and respects all children, staff and volunteers. The FFFC is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

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

Guidelines

Responsibilities

The Board of the FFFC will:-

1. Ensure that appropriate policies and procedures regarding child protection are in place; as well as a Code of Conduct setting out the obligations of management staff, volunteers and contractors with respect to child protection.
2. Nominate a child protection officer to provide information and support to all staff, volunteers, children, young people and their carers regarding child protection matters.

The Executive and Artistic Directors of the FFFC have ultimate responsibility for the detection and prevention of child abuse and are responsible for:-

- Dealing with and investigating reports of child abuse;
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation's Code of Conduct;
- Ensuring that all adults within the FFFC community are aware of their obligation to report suspected abuse of a child in accordance with these policies and procedures;
- Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety);
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.
- Promoting child safety at all times;
- Assessing the risk of child abuse and eradicating / minimising any risk to the extent possible;
- Educating employees about the prevention and detection of child abuse; and
- Facilitating the reporting of any inappropriate behaviour or suspected abusive activities.

The Executive and Artistic Director should be familiar with the types of abuse that might occur and be alert for any indications of such conduct.

All **staff/volunteers/contractors** share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and the FFFC's policy and procedures in relation to child protection, and comply with all requirements;
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and / or the state-based child protection service) and fulfil their obligations as mandatory reporters;
- Report any suspicion that a child's safety may be at risk to the Child Protection Officer (or, if that person is involved in the suspicion, to the Executive or Artistic Director); and
- Provide an environment that is supportive of all children's emotional and physical safety.

Definitions

Child means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Child protection means any responsibility, measure or activity undertaken to safeguard children 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 includes any actions that results in actual or potential harm to a child.

Child sexual assault is any act which exposes a child to, or involves a child 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 to or involving the child 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 to lower the child's inhibitions in preparation for sexual activity with the child.

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 is in need of protection,
- (b) The child has suffered or is likely to suffer "significant harm as a result of physical injury",
- (c) The parents are unable or unwilling to protect the child.

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 states that they have been physically or sexually abused;
- (b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- (c) Someone who knows a child states that the child has been physically or sexually abused;
- (d) Professional observations of the child's behaviour or development leads a professional to form a belief that the child 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 has been physically or sexually abused.

Employment of New Personnel

The FFFC undertakes a comprehensive recruitment and screening process for all workers and volunteers which aims to:

- Promote and protect the safety of all children under the care of the organisation;
- Identify the safest and most suitable people who share the FFFC's values and commitment to protect children; and
- Prevent a person from working at the FFFC if they pose a risk to children.

The FFFC requires all workers/volunteers and/or contractors to pass through the organisation's recruitment and screening processes prior to commencing their engagement with the FFFC. This includes presentation of a current working with children card or authorisation if they will be working with children.

The FFFC may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at the FFFC and during their time with the FFFC at regular intervals.

The FFFC will undertake thorough reference checks as per the approved internal procedure. Once engaged, workers/volunteers/contractors must review and acknowledge their understanding of this Policy and maintain a current working with children check at all times if working with children.

Risk Management

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

The Board of the FFFC will nominate a Child Protection Officer to provide information and support to all staff, volunteers, children, young people and their carers regarding child protection matters.

The Child Protection Officer is responsible for identifying potential risk to child safety and reporting such risk to the Board.

Reporting

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the appropriate child protection service or the police. They should also advise the Child Protection Officer at the FFFC about their concern.

In situations where the Child Protection Officer 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 Executive or Artistic Director of the FFFC. The Child Protection Officer must report complaints of suspected abusive behaviour or misconduct to the Executive and Artistic Directors (who must report the matter to the Board) and also to any external regulatory body such as the police.

The Executive or Artistic Director is responsible for notifying the parent(s) of the child or children concerned of the complaint unless the parent(s) is (are) suspected of being involved. A Reporting Flow Chart containing contact details is attached to this Policy.

Investigating

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation. Whether or not the authorities decide to conduct an investigation, the Executive and/or Artistic Directors 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 Executive and/or Artistic Directors may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice and utilizing the resources: Child Protection Toolkit 2018 (published by Our Communities) and the FFFC's complaints Handling Policy.

The Executive and/or Artistic Directors will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the Executive and/or Artistic Directors 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.

The parent/s of the child/children involved should be informed of the outcome of any such investigation.

Responding

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation's policies or its Code of Conduct the person concerned may be stood down (with pay, where applicable) 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 dismissal or 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. The FFFC will have safeguards and practices in place to ensure any personal information is protected.

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

Measurement and Reporting

All staff, volunteers and contractors must be made aware of this policy and their obligations.

The Executive Director must report the existence of any child protection matters to the board at the next available board meeting.

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.