

## Child Safety

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### Purpose

Southern Edge Arts Inc. objective for Child Safe Policy is to clearly demonstrate the organisation's commitment to the safety and wellbeing of children and young people and inform all leaders, staff and volunteers of their obligations to act ethically towards children and their roles and responsibilities in ensuring the safety and wellbeing of children. This policy gives guidance on the processes and procedures that aim to ensure children's safety and wellbeing across all areas of the organisation's work.

The Child Safety Policy applies to all people who conduct work for the organisation in a paid or unpaid capacity. This may include, for example, Board members, executive leadership, staff, volunteers, interns, trainees, contractors and consultants.

*This statement is to provide clear policy and procedures for members, staff and artists in relation to child safety. Southern Edge Arts aims to achieve the best outcome for Child Safety in an open and fair manner that is consistent with the SEA constitution.*

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### Policy and Procedures

#### 1. Scope

The Child Safety Policy applies to all activities in the organisation which involve, result in or relate to contact with children. It includes all in-house and external activities presented by SEA.

#### 2. Policy

SEA is committed to promoting and protecting at all times the best interests of children involved in its programs, including inbound and outbound activity.

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

SEA has zero tolerance for child abuse. Everyone working at SEA is responsible for the care and protection of all children within our care and the reporting of information regarding suspected child abuse.

Child protection is a shared responsibility between SEA, all employees, workers, contractors, associates, and members of its community.

SEA operates within a culture of respect and supports and respects all children, staff and volunteers.

### 3. Overarching Responsibilities

Everyone working at SEA, whether in a paid or voluntary capacity, is responsible for the care and protection of children, improvements in procedures and systems to reduce the risk of harm to children, and reporting information about the mistreatment of children. Anyone who is concerned that a child is suffering any form of abuse or neglect should report their concerns through the Department of Communities Central Intake Team on 1800 273 889, even if they are not a mandatory reporter under the Act.

### 4. Board of Management – Responsibilities

#### Board of Management

- a) Responsible for policy
- b) Risk assessment and management development
- c) Policies and procedure on external reporting & record keeping
- d) Code of Conduct compliance
- e) Screening Board (WWCC). The WWCC must be without restriction or condition and be current.
- f) Chair and Treasurer require Police Clearance

The Board of SEA has ultimate responsibility for overseeing the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Board is also responsible for ensuring that appropriate policies and procedures including a Child Safety Policy and Code of Conduct are in place.

### 5. Staff – Responsibilities

#### Staff

- a) Screening staff (WWCC and National Police Clearance). The WWCC must be without restriction or condition and be current.
- b) Staff / volunteer induction, training supervision and support
- c) Risk management compliance
- d) Code of Conduct compliance

The Artistic Director and/or General Manager of SEA 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
- Ensuring that all adults within the SEA community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures and have undergone the above-mentioned screening process
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

All staff (paid and unpaid) must ensure that they:

- Promote child safety at all time

- Assess the risk of child abuse within their area of control and eradicate / minimise any risk to the extent possible
- Are familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct
- Familiarise themselves with the relevant laws, the Code of Conduct, and SEA policy and procedures in relation to child protection, and comply with all requirements
- Have a valid Working with Children Check card and are able to present current card as evidence, if required
- Report any suspicion that a child's safety may be at risk to the Artistic Director and/or General Manager (or, if the AD or GM is involved in the suspicion, to the Chair)
- Provide an environment that is supportive of all children's emotional and physical safety.

All Board Members, Staff and Volunteers will engage in an induction process tailored to their role and responsibilities, as soon as practicable after commencing their role.

## 6. National Principles Child Safe Organisations

Southern Edge Arts will adhere to the National Child Safe Principles (<https://childsafe.humanrights.gov.au/national-principles>) as outlined by the Australian Human Rights Commission. This includes:

- Leadership and Governance
- Empowering children to participate
- Involving family and community
- Equity and diversity
- Managing staff and volunteers
- Child Friendly complaints process
- Education and development
- Safe environments

## 7. 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. 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
- e) Signs of abuse lead to a belief that the child has been physically or sexually abused.

## **8. Procedures**

### **8.1 Working With Children Check Register**

SEA will keep an up to date register of Working with Children Checks for all current staff, volunteers, Board members and contractors which will be maintained by the General Manager and Administrative Assistant. The Register will include an electronic register of Working with Children Check card numbers of all current employees, volunteers and contractors and a register of Working With Children Check Card scans.

### **8.2 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 Artistic Director and/or General Manager about their concern.

In situations where the Artistic Director and/or General Manager 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 Chair of the Board.

The Artistic Director and/or General Manager must report complaints of suspected abusive behaviour or misconduct to the Chair and the police (<https://www.police.wa.gov.au/Your-Safety/Child-Abuse/How-to-report-child-abuse>) without delay and also to any other relevant external regulatory body.

### **8.3 Investigating**

If the appropriate child protection service or the police decide to conduct an investigation of this report, all staff, Board Members, contractors or volunteers must cooperate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the Artistic Director 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 Artistic Director may decide to conduct such an investigation. All staff, Board members, contractors or volunteers must cooperate fully with the investigation.

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

### **8.4 Responding**

If it is alleged that a member of staff, Board members, contractor or volunteer may have committed an offence 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 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.

## 9. Privacy

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety.

SEA 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.

## 10. Breaches of policy

A breach of this policy may lead to disciplinary action including, but not limited to, termination of employment, membership or service.

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**Variations:** Southern Edge Arts Inc. reserves the right to vary, replace or terminate this policy from time to time

**Associated documents:** [if any]

PBS 001 Code of Conduct

PBS 006 Risk Management

### Policy Version and Revision Information

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