

# Child Protection Policy

## Policy Document Management

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# 1 Introduction

As a performing arts centre and cultural icon, Sydney Opera House provides important entertainment and educational services to children and young people. Providing an environment which supports the safety, welfare and well-being of children and young people during their visit to our organisation is now not only a moral obligation, but also a requirement under the legislation.

Our *Child Protection Policy* and *Child Protection Procedures* have been established to assist in meeting our commitment and obligations to protect children and young people during their visit to and contact with Sydney Opera House.

Legislation places a number of responsibilities upon us. For the most part, only people in positions (paid or unpaid) which have direct contact with children, are affected. However, Sydney Opera House also has management responsibilities in relation to investigation and reporting incidents considered to indicate a significant risk of harm to children and allegations against employees. The affected positions and an outline of their responsibilities under the legislation are provided at Appendix 1 of this policy. Sydney Opera House's Child Protection Procedures should be consulted for guidance on implementing these responsibilities.

While other staff within Sydney Opera House may not have direct contact with children or young people at work in normal circumstances, they are expected to be aware of the *Child Protection Policy* and observe the Code of Conduct and principles for child protection should it be necessary.

## 2 Purpose

2.1 This policy is designed to:

- ensure that Sydney Opera House meets its responsibilities for the safety, welfare and well-being of children and young people.
- guide all staff in appropriate conduct for contact with children and young people in the workplace.
- ensure that recruitment procedures and disciplinary procedures are compliant with the requirements under the NSW Children and Young Persons (Care and Protection) Act 1998, NSW Commission for Children and Young People Act 1998 and NSW Ombudsman Act 1974.
- provide clarity for relevant staff around their legal responsibilities as mandatory reporters of harm to children and young people under section 27 of the Children and Young Persons (Care and Protection) Act 1998.
- specify procedures applied in the event a staff member is the subject of a reportable allegation.

## 3 Scope

3.1 This policy applies to all permanent, temporary and casual employees, contractors and artists engaged to work for Sydney Opera House.

3.2 This policy complies with NSW Government legislation, policies and guidelines for Child Protection. Adherence of this policy is a requirement for all staff under the Sydney Opera House Code of Conduct.

## 4 Definitions

See Appendix 2 for definitions and concepts relating to this policy.

## 5 Policy

- 5.1 Sydney Opera House is committed to promoting the safety, welfare and well-being of children and young people to whom the organisation provides a service or with whom the organisation has contact. The safety, welfare and well-being of the child or young person is the paramount consideration in service delivery to any customers under 18 years.
- 5.2 All staff are required to provide services and conduct duties in a manner that respects the right of all children to safety and protection from all forms of abuse and neglect. Unless there are reasonable practical obstacles to doing so, staff having direct contact with a child or young person should ensure that either another Sydney Opera House staff member or other responsible adult (e.g. parent, carer or teacher) is present at all times.
- 5.3 Recruitment and selection processes for all child-related employment positions will be managed in accordance with the law. Specific positions, who may have direct and unsupervised access to children will be subject to employment screening processes prior to employment.
- 5.4 Risk of significant harm to children will be reported in accordance with the law. Section 27 of the *Children and Young Persons (Care and Protection) Act 1998* requires certain persons, 'mandatory reporters' to report to Community Services and to the Head of People & Culture if they have reasonable grounds to suspect that a child is at risk of significant risk of harm. Positions identified as mandatory reporters at Sydney Opera House are outlined in Appendix 1.
- 5.5 In addition, other staff who, in the course of their duties, observes or receives information that leads them to form the belief that a child or young person is at risk of significant harm, are required to report the matter to Community Services and the Head of People & Culture.
- 5.6 Allegations of convictions of reportable conduct made against employees will be reported and responded to in accordance with the law.
- 5.7 Records kept in relation to child protection matters will be maintained in separate secure storage, access to such records will be strictly limited and controlled and confidentiality of parties involved will be maintained.
- 5.8 Sydney Opera House has obtained an Authority to Employ Children in NSW, authorising the employment of children over 12 weeks of age and under 15 years of age for the purposes of Entertainment and Exhibition (including Still Photography).
- 5.9 Sydney Opera House will comply with the *Children and Young Persons (Care and Protection) Act 1998* and *Children and Young Persons (Care and Protection) (Child Employment) Regulation 2010* for the employment of children for events, photography or other entertainment. The NSW Children's Guardian is to be notified of any employment of children under the age of 15 years prior to employment. It is the responsibility of the department managing the engagement of the child to ensure the appropriate notification is provided in a timely manner.

## 6 Practices and Procedures

### 6.1 Mandatory Reporters

- 6.1.1 Where an employee who is identified as a 'mandatory reporter' has reasonable grounds to suspect that a child is at significant risk of harm, that staff member should make a report to the Community Services Helpline and notify the Head of People & Culture.
- 6.1.2 Information for mandatory reporters is provided in the [Mandatory Reporter Guidelines](#) provided by Community Services.

## **6.2 Recruitment and Employment of Staff**

- 6.2.1 In addition to standard pre-employment screening processes, procedures for positions identified as having direct, unsupervised contact with children (child-related employment) will involve additional employment screening and will be required to sign a Prohibited Employment Declaration as a condition of employment.
- 6.2.2 Clearance of the Head of People & Culture is required for employment of persons in positions identified as child-related employment.
- 6.2.3 All other employees may be required to sign a Prohibited Employment Declaration upon commencement as a condition of employment.

## **6.3 Notification of reportable allegations or convictions against employees**

- 6.3.1 Where any employee becomes aware of a reportable allegation or conviction concerning another employee arising from that person's employment with Sydney Opera House, they must report the allegation or conviction to the Head of People & Culture.
- 6.3.2 All reportable allegations or convictions against an employee will be referred immediately to the CEO and subsequently to the relevant external authority (NSW Ombudsman and/or Community Services).
- 6.3.3 All reportable allegations or convictions will be investigated by an appropriately skilled person appointed by the CEO. All internal investigations will be carried out in accordance with the NSW Ombudsman Guidelines and *Public Sector Management Act*, including the rights of employees to natural justice.

## **6.4 Confidentiality and Records Management**

- 6.4.1 Strict confidentiality will be maintained for all records and information pertaining to child protection matters. All child protection records will be maintained in secure files and separate files and access will be strictly controlled.
- 6.4.2 Records will be maintained and disposed of in accordance with State Records and legal requirements.

## **6.5 Employment of Children**

- 6.5.1 Departments wishing to employ children for events, photography or other entertainment must comply with the Authority to Employ and the Code of Practice specified under Schedule 1 of the *Children and Young Person's (Care and Protection) (Child Employment) Regulation 2010*.
- 6.5.2 Notification outlining details of employment must be provided to the Children's Guardian seven (7) days prior to each instance of the child's employment. However, it is best practice that the Children's Guardian be contacted well in advance of the commencement of employment. Staff should expect to be queried by the office of the Children's Guardian about, among other things, the child's role and to demonstrate that it is appropriate and compliant with the Code of Practice set out in the applicable regulations.
- 6.5.3 Staff responsible for the employment of children and notification of employment must refer to the Children's Guardian website ([www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)) for information on notification processes and relevant forms, including the 'Pre-Employment Notification' (PEN) Form to ensure appropriate notification is provided.
- 6.5.4 Staff should seek advice from the Human Resources where required in order to clarify requirements and application processes for the employment of children.

## 7 Accountabilities

### All Staff

All staff have a responsibility to abide by this policy and associated guidelines to ensure the safety and wellbeing of children at Sydney Opera House, including responsibilities for reporting significant harm to a child onsite and reportable allegations or convictions relating to employees. All staff are to familiarise themselves with the *Code of Conduct for Child Protection in the Workplace* (see Appendix 3).

### Key Identified Positions – See Appendix 1.

Persons in Key Identified Positions have additional responsibilities regarding the reporting of significant risk of harm to a child and ensuring the safety and wellbeing of children under their supervision. Staff in these positions should familiarise themselves with information provided by [Community Services](#) regarding their responsibilities

### Human Resources

Human resources are responsible for ensuring that all recruitment and employment procedures are carried out in accordance with the policy and government requirements, including the recording and storage of data. Human Resources is also responsible for providing information and advice to staff regarding the employment of children at Sydney Opera House.

The Head of People & Culture is responsible for implementing the organisation's investigation and reporting requirements, monitoring adherence to this policy and responding to reports and allegations in accordance with organisational and NSW Government standards.

## 8 References

Children and Young Persons (Care and Protection) Act 1998

Children and Young Persons (Care and Protection) Regulation 2000

Children and Young Persons (Care and Protection) (Child Employment) Regulation 2010

Commission for Children and Young People Act 1998

### APPROVED



Chief Executive

Date: 10 May 2011

# Appendix 1 – Key Identified Positions

Three key groups of staff are identified as having specific responsibilities in relation to child protection at Sydney Opera House.

1. Child-related employment positions.
2. Mandatory reporters ('at risk of significant harm').
3. Management positions that oversee and implement the organisation's investigation and reporting responsibilities.

## **Child-related employment positions**

The following positions have been identified as child-related employment for the purposes of this policy, as these positions may have direct and unsupervised contact with children in an entertainment venue.

- Stage Managers (when working on SOH or presenting company/hirer productions involving child performers);
- Production Services Crew (when working on SOH or presenting company/hirer productions involving child performers);
- Head of Education and Young People;
- Education Co-ordinator;
- Artists (where applicable); and
- Any other staff member who may be required to work on SOH or presenting company/hirer productions involving child performers.

## **Mandatory reporters ('at significant risk of harm')**

The following positions have been identified as mandatory reporters for the purposes of this policy, as these positions may have direct and unsupervised contact with children in an entertainment venue.

- Emergency Planning and Response Group staff;
- OHU Nurses;
- Stage Managers (when working on SOH or presenting company/hirer productions involving child performers);
- Production Services Crew (when working on SOH or presenting company/hirer productions involving child performers); and
- Artists (where applicable)

## **Management positions responsible for investigations and reporting**

The Head of People & Culture is responsible for implementing the organisation's investigation and reporting requirements.

## Appendix 2 - Definitions

### Child

Under the *Children and Young Persons (Care and Protection) Act 1998* a child is a person under the age of 16 years. Note: Under the *Commission for Children and Young People Act 1998* and *Ombudsman Act 1974* a child is defined as a person under the age of 18 years.

### Young Person

Under the *Children and Young Persons (Care and Protection) Act 1998* a young person is a person aged 16 years or above but who is under the age of 18 years.

### Reportable Conduct

Under section 25A of the *Ombudsman Act 1974* Reportable Conduct means:

- a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- b) any assault, ill-treatment or neglect of a child, or
- c) any behaviour that causes psychological harm to a child,

whether or not, in any case, with the consent of the child. Reportable Conduct does not extend to:

- a) conduct that is reasonable for the purposes of discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

### Risk of Significant Harm

Under the *Children and Young Persons (Care and Protection Act) 1998*, risk of significant harm is present if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any of one or more of the following circumstances:

- a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care.
- b1) in the case of a child or young person who is required to attend school in accordance with the *Education Act 1990* – the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
- c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
- f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

# Appendix 3 – Code of Conduct for Child Protection in the Workplace

## Why is it important to adopt Code of Conduct for Child protection in the Workplace?

All staff can contribute to the safety, welfare and well-being of children by adopting work practices which respect children's right to safety, protection and personal space and which demonstrate responsible and respectful adult behaviour towards children.

Such conduct is important for two key reasons:

1. All staff in contact with children in the workplace are accountable for their own behaviour with children.
2. Respectful behaviour towards children by any adults can assist those children in differentiating respectful behaviour from abusive behaviour and this is very important for prevention of or early intervention in Reportable Conduct.

## What must staff do/not do in contact with children in the workplace?

The following is a list of expectations of all staff in contact with children in the workplace:

- As a general guide avoid physical contact with children in the workplace unless there is a legitimate reason for such contact for the child's own safety and welfare (eg. administering first aid, removing a child from impending danger, holding the hand of a lost distressed toddler, comforting a highly distressed child in a disaster situation, supporting the arm of a child with a disability so they can touch an interactive display). Physical contact for the child's safety and welfare should only be to the extent required for the child's safety or welfare and no more
- Staff may use non-invasive physical greetings commonly accepted in the community if this is initiated by the child (eg. shake hands, high five with hands). Young children or children with an intellectual disability may attempt to initiate more intimate greetings such as hugging but staff are to sensitively discourage this by comments such as "we don't know each other very well, how about we shake hands"
- Never use physical force or restraint on a child unless this is necessary for the child's immediate safety or to prevent immediate serious harm or is necessary in defence of your own immediate physical safety. In such emergencies physical force or restraint should only be to the extent necessary to prevent serious harm from occurring. If staff are confronted with a situation of an older child threatening to harm others or wielding a weapon staff are advised to seek immediate assistance (from security or Police) rather than attempt to disarm the child
- Never use corporal punishment of any kind as a method discipline to behaviour management with any child
- Avoid being alone with a child in any location that is not in visual contact by another adult unless there is a legitimate reason for doing so for the child's own safety and welfare. First aid should be administered in the presence of another adult (preferably one known to the child) unless it is an emergency and the delay in getting another adult would jeopardise the child's safety. Staff should not be alone with a child in a room with the door closed unless that room has a glass wall allowing visual contact by another adult
- Never remove an item of clothing from a child's body unless this is necessary for the child's immediate safety to prevent serious harm (eg. to administer emergency first aid). The only exception to this is to assist young children removing or replacing their shoes where they cannot do this for themselves and this is necessary to engage in an interactive activity program
- In the presence of colleagues or consumers/customers including children avoid swearing and any language that is derogatory towards others (eg. language such as "cheeky brat" is not acceptable in the workplace)

## **What should staff do to contribute to the protection of children in the workplace?**

Staff are required to contribute to the protection of children in the workplace by reporting inappropriate behaviour, misconduct and criminal activity involving children.

- Any staff member who becomes aware of an allegation or conviction of child abuse in the workplace against an employee must promptly report this to the Head of People & Culture.
- Any staff member who witnesses or gets information about the misconduct of an employee that may involve child abuse must promptly report this to the Head of People & Culture.
- Any staff member who becomes aware that an employee has behaved towards a child or children in ways that contravenes requirements in Code of Conduct for Child Protection in the Workplace must promptly raise this with the Head of People & Culture.
- Staff members who are mandatory reporters under the *Children and Young Persons (Care and Protection) Act* must report their current concerns for the safety welfare and well-being of a child if they suspect upon reasonable grounds that the child is at significant risk of harm.
- If a staff member in a child-related employment position believes s/he is or may be a Prohibited Person (i.e. has a conviction for a serious sex offence) s/he must immediately inform the CEO. It is an offence for Prohibited Persons to apply for, commence or remain in child-related employment.

Any staff member who becomes aware that an employee (paid or unpaid) is a Prohibited Person (i.e. has a conviction for a serious sex offence) must immediately inform the Head of People & Culture.