

# Code of Conduct

## Commitment to child safety

Perform Education is committed to promoting and protecting at all times the best interests of all children. Our company has zero tolerance for child abuse.

All employees of Perform Education have a duty of care to provide a safe environment for children and report all information of suspected breaches of child safety and abuse. We are committed to providing child safe environment where children and young people are safe and feel safe. Particular attention will be paid to the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.

## Scope

This policy applies to all staff, contractors, children and other individuals involved in our organisation. This policy applies to all activities – live performance, livestream performance, workshops and film – conducted by Perform Education.

## Application

Staff will receive training in safeguarding and will be familiar with this safeguarding policy. Each staff member must sign a Letter of Agreement to confirm they have read the Code of Conduct Procedures. Staff are responsible for upholding procedures for the safeguarding and protection of vulnerable persons in connection with the activities organised by the Company in relation to the production.

## Procedures

**1. If any person has proof that a child is in immediate danger, telephone 000; and if possible to do so safely, separate the child from the hazard.**

- a. Unless it is unsafe to do otherwise, in this situation the employee must not leave the premises until the authorities arrive and will be required to stay on site until the police declares that they may leave.
- b. Any such event must be reported immediately to the employee's supervisor to log an incident report form, and take
- c. If the event occurs in connection with a school or occurs on a school premises, then all employees of Perform Education are, in addition, required to report the incident

to the school principal; as well as reception and the designated contact teacher if available.

2. If a confirmed or suspected breach of child safety is observed but a child is not in immediate danger, then all employees of Perform Education are to report the incident to their supervisor to log an incident report form and relay the information to relevant authorities as required.
  - a. Any reports should be made immediately and in any event within one working day of the information becoming known to the person reporting.
  - b. If the event occurs in connection with a school or occurs on a school premises, the employee's supervisor will be responsible for reporting the incident to the school principal within one working day of the information having been reported. This will be passed on in an appropriate manner, reflective of the severity of the suspected breach.
  - c. It is expected that the school principal has a greater knowledge of the child's social situation, and so will be delegated the responsibility of reporting the incident to the police and/or social services as necessary.
  - d. In extraordinary situations, Perform Education may take action to report the incident directly to police and/or social services if deemed necessary to protect the welfare of a child.
3. If at any time an employee of Perform Education is situated on a school premises, then they are also required to adhere to all additional child safety procedures imposed by the school.
4. If an employee of Perform Education is on a school premises, they should refrain from being alone with any children without teacher supervision.
  - a. If children do appear without a visible teacher, then the employee should actively seek out a teacher, or dismiss the children away and if possible, secure the space.
  - b. The only exception to this being if the worker believes that by leaving the child unsupervised, then they are exposing them to risk of injury or abuse.
5. Employees need to wait until all students and teachers have left the performance space before changing clothes or alternatively find a private area to change.
6. Employees should make a conscious effort to request permission to use staff or private bathrooms while on a school premises. If permission is granted, then under no circumstance should the employee use a student bathroom.
7. At no time shall an employee of Perform Education be under the influence of any drugs or alcohol whilst on school premises whilst being associated directly with the company.

8. Employees shall not post any photo or film content online which involves the children on or off school premises. Any requested social media must have the approval of the National Theatre for Children Management or, if in doubt, ask the contact teacher at that school.
9. Employees must not initiate physical contact with the children in any context
  - a. The only exception to this being if the worker believes they need to in order to prevent an injury or to assist a child with a disability if a teacher is not present. Always seek permission from the child prior to the contact.
10. Employees will not use physical punishment or any action which involves unnecessarily confining a child. Employees should NEVER punish a child under any circumstances, it is the teacher's role to discipline their students.
11. Employees will never offer a lift to a child or take a child anywhere off school premises.
12. Employees will not accept 'Friend' requests on social networking sites from any child.
13. Employees will not buy goods from a child or accept any money or gifts without first declaring it to the contact teacher or the Perform Education manager.
14. Employees will not give money and personal gifts to children other than in exceptional circumstances such as charity sponsorship.
15. Staff will have up-to-date emergency contacts for local authorities and the police, and will raise any concerns concerning safeguarding that they notice or are brought to their attention.

### Key Responsibilities

We recognise that the "entertainment industry" can be a very "adult" environment and we expect that all staff and anyone else who comes into contact with children behaves in an appropriate manner at all times. The **Managing Director** of Perform Education will therefore be responsible for:

- Dealing with and investigating reports of child abuse; Take seriously and respond swiftly and appropriately to suspicions and/or allegations of harm, poor practice and/or abuse in accordance with the Company's Discipline, Grievance, Equality and/or Public Interest Disclosure policies.
- 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 employees of Perform Education are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures. Implement effective procedures for

recording and responding to incidents, complaints and alleged or suspected incidents of abuse

- Providing a safe space for staff to report suspected incidents of abuse and respecting confidentiality where legally possible.
- 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.
- Monitor staff training and make sure that obligations under the Commonwealth Child Safe Framework are being met and regularly reviewed.
- Help Staff establish and maintain ethos where children feel welcome and familiar with their environment
- Seek to protect children from abuse by providing a safe environment when staff use their premises;
- Recruit and supervise Responsible Persons in accordance with this Policy;
- Promote and adopt the best practice set out in this Policy through dissemination of the Policy to staff through training activities;
- Inform staff who the appropriate person or people is/are to speak to if they have any questions, problems or concerns;
- Ensure that all children and staff have the same protection regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity. The Company is committed to anti-discriminatory practice and explicitly recognises the additional needs of children from minority ethnic groups and disabled people and the barriers they may face, especially around communication.
- Always work in an open environment where children are supervised appropriately (e.g. avoiding private or unobserved situations and unnecessary physical contact with children and involve/allow teachers wherever possible, to take responsibility for the children
- Ensure that all staff have a Working with Children check or clear Police check

All **managers** must ensure that they

- Promote child safety at all times;

- Assess the risk of child abuse within their area of control and eradicate / minimise any risk to the extent possible;
- Educate employees about the prevention and detection of child abuse; and
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.
- Check that all staff that are expected to work on a school premises have a current and valid Working With Children Check.
- Provide training to staff to make them aware of their obligations under the Commonwealth Child Safe Framework.
- Monitor staff compliance with the Commonwealth Child Safe Framework and report breaches/provide additional training where required.

Management should be familiar with the types of abuse that might occur within their area of responsibility 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 Perform Education's policy and procedures in relation to child protection, and comply with all requirements;
- If having any direct interaction with children, hold a current and valid Working With Children Check;
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (police and / or the state-based child protection service) and fulfil their obligations as mandatory reports
- Report any suspicion that a child's safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, then to Tobias Benn, Managing Director of The National Theatre for Children); and
- Provide an environment that is supportive of all children's emotional and physical safety.

## DEFINITIONS

### Definitions of Abuse, Attempted Abuse and Neglect

This section is intended to help Responsible Persons and Safeguarding Officers determine what is abuse/ attempted abuse/ neglect, and what is not.

**Physical Abuse** – May involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating or otherwise causing physical harm to a vulnerable person. Physical harm may also be caused when a carer fabricates or induces illness in a vulnerable person whom they are looking after.

**Sexual Abuse** – Forcing or enticing a vulnerable person to take part in sexual activities, whether or not they are aware of what is happening; this may involve: physical contact, including penetrative or non-penetrative acts; non-contact activities, such as getting vulnerable persons into to look at, or appear in the production of pornographic material or getting them to watch sexual activities; or encouraging them to behave in sexually inappropriate ways. An attempt to sexually abuse may be preceded by inappropriate behaviour, the use of inappropriate language, an attempt to get the vulnerable person into place where abuse can take place, or inappropriate favouritism towards a vulnerable person.

**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.

**Neglect** – Neglect is the persistent failure to meet a vulnerable person's basic physical and/ or physiological needs, which is likely to result in the serious impairment of the vulnerable persons' health or development. It may involve a carer failing to provide adequate food, shelter and clothing, failing to protect a vulnerable person from physical harm or danger, or failing to ensure access to appropriate care or treatment. It may also include neglect of, or unresponsiveness to, a vulnerable person's basic emotional needs.

**Bullying** – is the term used to describe behaviour that hurts someone else, for example, name calling, hitting, pushing, spreading rumours about, threatening, or undermining someone. It is usually repeated over a long period of time and can hurt a vulnerable person both physically and emotionally. Bullying that happens online, using social networks, games, mobile phones, is referred to as “cyberbullying”.

**Emotional Abuse** – The persistent emotional ill-treatment of a vulnerable person such as to cause severe and persistent adverse effects on the person’s emotional and behavioural development. It may involve conveying to the vulnerable person that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person. It may feature unrealistic expectations being imposed on vulnerable persons under the guise of education or training. It may also involve causing vulnerable persons to feel frightened or in danger, for example witnessing abuse within or outside their home, being bullied, or being exploited or corrupted.

Some level of emotional abuse is involved in all types of ill treatment of a vulnerable person, although it is important to realise that it can occur on its own.

**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.

**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**

Perform Education 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 understand Perform Education's values and commitment to protect children; and
- Prevent a person from working at Perform Education if they pose a risk to children.

Perform Education requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Perform Education.

Perform Education may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at Perform Education and during their time with the company at regular intervals. Perform Education is responsible for making sure that checks remain valid for the duration of employment.

Perform Education will undertake thorough reference checks as per the approved internal procedure.

Once engaged, employees must review and acknowledge their understanding of 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 Managing 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 CEO 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. The Managing 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 Managing 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.

#### **RELATED DOCUMENTS**

- This policy must be read in conjunction with:
  - The law of the Commonwealth or of the relevant state or territory;
  - Commonwealth Child Safe Framework
  - The organisation's Child Safety Policy
  - Termination of Employment Policy and Misconduct Procedures.
  - The 'Rules of the Road' directives for touring actors
  - The organisations Sexual Harassment

*Based on the Child Protection Toolkit Published by Our Community Pty Ltd, 2016*