

## SECTION 6.4: CHILD SAFE POLICY

### The Australian Ballet School

**ACCOUNTABLE:** Board

**RESPONSIBLE:** Health and Wellbeing Committee

**VERSION 1 APPROVED BY THE BOARD:** 2019

**LATEST VERSION APPROVED:** March 2024

**REVIEW DATE:** This policy will be reviewed after any significant child safety and bullying incident or at least every 2 years and improve where applicable. This includes review and evaluation of the Marilyn Rowe House boarding premises child safety and wellbeing policies if appropriate. **OR** Annually, taking effectiveness and the publication of relevant research or changes to child protection laws into consideration.

**DATA ACCESS LOCATION:** Staff Portal, Student Portal, The Australian Ballet School website

#### 1. OVERVIEW

Victorian organisations that provide services or facilities for children are required by law to implement the Victorian Child Safe Standards (Standards) to protect children from harm.

The Standards require schools that provide services for children to have strategies embedded in their school community which promote and support an organisational culture of child safety, including through effective leadership arrangements, the involvement of families and community and, risk management strategies. The Standards also align with associated child protection laws.

In Victoria there are specific criminal offences which impose general obligations on individuals:

- Aged 18 years or over – (whether in Victoria or elsewhere) to report any belief that a sexual offence has been committed, against a child under the age of 16 years, by a person over the age of 18 years (*Crimes Act (Vic) S327*) and
- In authority and identified people and roles within a school - to act to remove or reduce a substantial risk that a sexual offence will be committed against a child (*Crimes Act (Vic) S327*) and the *Children, Youth and Families Act 2005 (Vic)*.

The School follows compliance requirements of the *Victorian Ministerial Order 1359* and the recommendations of the *Betrayal of Trust Report* and considers protecting children as everyone's responsibility – parents/carers, communities, governments and the School and its boarding facility Marilyn Rowe House (MRH) as a business, have an integral role to play.

All States and Territories have similar criminal offences.

## 2. PURPOSE

The purpose of this policy is to detail how The Australian Ballet School (School) meets the Standards and provides a strong foundation for a child safe environment. The Standards require policies and procedures to be implemented to ensure the safety of children is supported and to prevent and respond to and report allegations of **Child Abuse**. The School's Child Safe Policy and the associated suite of Child Safety and Wellbeing policies is communicated thoroughly to all members of the School Community through the Statement of Commitment to Child Safety on the School's website.

Child safety and wellbeing policies which relate specifically to the School's boarding premises are also clearly communicated to boarding staff, boarding students and their families through the *Marilyn Rowe House Boarding Handbook for Boarders and their Families*, communication and welcome sessions at the commencement of each year for boarding students and training sessions for boarding staff.

**Related Policies:** This policy should be read in conjunction with the School's Code of Conduct (1.2), Whistleblower Policy (1.4), Risk Management Policy (1.5), Appropriate Use of Technology Policy (4.3), Photography and Film (4.3.2), ICT and Cyber Security Policy (4.3.3), Bullying Policy (5.1.1), Equality, Respect and Diversity Policy (5.1.2) (pending), Sexual Harassment Policy, (5.1.3), Gender Identity (5.2.7), Recruitment Policy (5.3.1), Working with Children Check Policy (5.3.5), Volunteer Policy (5.3.9), Student Complaints and Appeals Policy (6.3.3), Reportable Conduct Scheme Policy (6.4.1), Child Safety and Wellbeing - pending (6.4.2), Child Safety Harm and Abuse Complaints Policy – pending (6.4.3), Child Safety Risk Management – pending (6.4.4) Child Safety Code of Conduct – pending (6.4.5) and Boarding Student Behaviour Management Policy (MRH policy)

## 3. DEFINITIONS

**Child:** (or young person) who is under 18 years of age.

**Child Safety Officer (CSO):** this position is jointly held by The Director/Head of School, the Executive Director, Head of Boarding and the Health and Wellbeing Manger as the designated officers on the School staff who are required to have a thorough knowledge of child safety issues and are the primary point of contact for any member of the **School Community** who has concerns or wishes to report an allegation of abuse.

**Child Abuse:** any act committed against a child involving:

- Physical violence;
- Sexual abuse;
- Serious emotional or psychological abuse (this includes grooming) ;
- Serious neglect.

**Executive Team:** comprises the Director/Head of School, the Executive Director and the Director of Development.

**Consultant:** an independent individual or organization engaged by the School to provide expert business advice, often in relation to a specific project.

**Contractor:** an independent individual or organization that works with the School to complete a job or to provide a service or materials, and includes a subcontractor.

**Cultural Safety:** the acknowledgement, protection, respect and continued improvement of inherent rights, cultures and traditions of a particular culture.

**Grooming:** an adult of or over the age 18 years communicates by words or conduct with a child under the age of 16 years or with a person who has care, supervision or authority of the child with the intention of facilitating the child's involvement in sexual conduct, either with a groomer or another adult.

**Reasonable Belief:** a belief based on facts that would lead a reasonable person to think that there are grounds for concern with respect to the safety and wellbeing of a child. There must be an objective basis for belief, but proof is certainly not required. A reasonable belief may be based on observed conduct, direct information from a child or information concerning conduct received from a credible source.

**Reasonable Excuse:** under the Crimes Act S327, if a person fears on reasonable grounds for the safety of any person (other than the person reasonably believed to have committed or to have been involved in the sexual offence), were the person to disclose information to the police and the failure to disclose the information to the police is a reasonable response in the circumstances or, the person believes on reasonable grounds that the information has already been disclosed to police by another person and the first mentioned person has no further information.

**School Community:** includes Board members, all **Staff Members** including the staff of Marilyn Rowe House (MRH), students and parents/guardians/carers, **Volunteers**, Contractors and Consultants.

**Senior Management Team:** comprises the Finance Manager, the Head of Marketing and Communications, the Head of Student Teaching and Learning, the Head of Operations, the Head of Music, the Head of Boarding, the Digital Lead and the Project Manager.

**Staff Member:** refers to a person employed by the School, whether pursuant to a written contract of employment or otherwise, irrespective of the nature or period of their employment. This includes a person employed on a full-time, part-time or casual basis, or a contract for a specified period of time.

**Substantial Risk:** refers to a number of factors which may assist in determining whether a reasonable person would judge a risk to be a Substantial Risk and include:

- The likelihood/probability that a child will become a victim of a sexual offence;
- The nature of the relationship between a child and adult who may pose a risk to the child;
- The background of the adult who may pose a risk to the child, including any past or alleged misconduct;
- Any vulnerabilities particular to a child which may increase the likelihood that they may have become a victim of a sexual offence;
- Any other relevant fact that may indicate a substantial risk of a sexual offence being committed against a child.

**Volunteer:** refers to a person engaged by the School under a written volunteer agreement to provide a service to the School for no financial compensation, irrespective of the nature or the period of the engagement. This includes a work experience/internship or vocational placement student, but excludes the Board.

#### 4. WHO DOES THIS POLICY APPLY TO

This policy applies to all members of the **School Community**. For the purposes of this policy, 'children/child' is any student who is enrolled in any capacity at the School (including those undertaking casual/out of hours classes).

#### 5. POLICY

This policy sets out the behaviour and conduct standards expected of all members of the School Community. The policy also operates in conjunction with the School's Code of Conduct and the Child Safety Code of Conduct.

All members of the School Community, which includes the boarding community are expected to adhere to the School's Code of Conduct, including the attributes of mutual respect, openness, support, accountability and ethical behaviour. The Executive Team is responsible for ensuring that any member of the School Community (including a student) is informed and confident to report any concern, observation or experience of abuse or inappropriate behaviour to the CSO in the first instance. These responsibilities are identified in the Position Descriptions of staff.

The School has a zero-tolerance approach to Child Abuse. Any allegations and safety concerns are treated seriously. This covers complying with all legal requirements, including reporting suspicions of Child Abuse to police and/or child protection. In all matters relating to the reporting of Child Abuse, authority within the School resides with the CSO who receives the allegation. The legal and moral obligations to contact authorities when there is concern for the safety of a child must take precedence over any other considerations.

All students enrolled at the School have a right to feel and be safe, happy and empowered. This policy confirms the School's commitment to promoting children's wellbeing and protecting children from abuse.

It is an offence under the Crimes Act S490 (*failure to protect*) for a person by reason of their position (in an organisation) who has the power or responsibility to reduce or remove a Substantial Risk that a relevant child (who is or may come under the care of the organisation in the future) will become a victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the organisation and know that there is a Substantial Risk that the person in authority must not negligently fail to reduce or remove the Substantial Risk.

The Australian Ballet School Board and Staff Members are required by law to report to police if they reasonably believe or know that a sexual offence has been committed by an adult against a child under the age of 16 years or a child against a child. It is a criminal offence to fail to comply (*failure to disclose*).

The School supports and respects all children and is committed to championing and fostering these aims. In order to reduce or remove Child Abuse dangers, a risk management strategy to acknowledge that risk is a shared responsibility, identify, assess, prevent and respond, by undertaking steps to reduce or remove these risks is embedded in this policy and includes:

- All staff, direct-contact Volunteers and regular Contractors/consultants being required to be familiar with the School's Child Safe Policies and Procedures and their legal obligations with respect to reporting Child Abuse through an induction process and being aware of the School's Code of Conduct;

- Provide training to staff, direct-contact Volunteers and regular Contractors/Consultants regarding what to do when an allegation of Child Abuse is made. This includes the importance of information sharing and record keeping obligations;
- Inclusion of child safe obligations in staff position descriptions and the performance monitoring process;
- Child safety is a standard discussion item at School Executive Team meetings, all staff meetings and MRH staff meetings;
- Incident reporting processes for both the Kavanagh Street campus and MRH;
- Annual review and identification overseen and approved by the Board of risk factors for the School;
- A MRH boarding house Risk Register, which is reviewed annually by the Board in conjunction with the School's Risk Register;

All children are vulnerable, and some children face additional vulnerabilities. The Standards provide overarching principles to ensure equity is upheld and diverse needs are respected. This includes the need to:

- Be aware of and sensitive to the diverse backgrounds, circumstances and needs of Aboriginal and Torres Strait Islander children, culturally and/or linguistically diverse children and children with disability;
- Attend to any adjustments to provide equal protection for all children;
- Give particular attention to the needs of children who identify as lesbian, gay, bisexual, transgender or intersex;
- Give particular attention to the needs of children unable to live at home.

The policy aims to develop and promote an organizational environment where child safety is embedded into everyday thinking and practice across the School, highlighting that all members of the School Community have a responsibility to keep children safe from abuse, to be observant and to raise any concerns relating to Child Abuse with the CSO. To ensure this is achieved by the School, it is important that the Executive Team drive and champion the policies, procedures and behaviours, along with appropriate annual training for Staff Members and other members of the School Community, including Board members (where appropriate) to support an environment of child safety.

## 6. PROCEDURES

*If any person reading this document believes a child is at immediate risk of abuse, they should phone 000.*

The Director/Head of School must ensure legal regulations and their amendments, with any changes and their relevance communicated to all departments and supervisors along with amendments to relevant reference material, such as the School's Code of Conduct.

**Child Safe Standard 1: Organizations must establish a culturally safe environment in which the diverse and unique identities and experience of Aboriginal children and young people are valued and respected.**

The School is committed to promoting and providing a culturally safe and inclusive environment, where diversity and unique identities and experiences of Aboriginal and Torres Strait Islander children and their families are valued and respected. The School's policies, procedures, systems and processes support this Standard.

By supporting Aboriginal and Torres Strait Islander children to feel strong in their identity the School helps them to enjoy their cultural rights. Cultural Safety is a key dimension of overall safety.

The School has strategies embedded within its activities, events and cultural training to equip all Staff Members to acknowledge and appreciate the strengths of Aboriginal and Torres Strait Islander cultures and understand the importance to their wellbeing and safety.

The School has developed the following strategies to support Cultural Safety:

- Commence assemblies, meetings and other events with an Acknowledgment of Country. This is an opportunity to reflect and show respect for Traditional custodians and the continuing connection of Aboriginal and Torres Strait Islander land and culture;
- Development and registration of the School's Reconciliation Action Plan with Reconciliation Australia;
- Engagement of the Koorie Heritage Trust to assist with cultural education;
- Engagement with NAIDOC (National Aborigines and Islanders Day Observance Committee) to participate and celebrate the cultures and histories of Aboriginal and Torres Strait Island culture during the annual NAIDOC Week celebrations;
- Foster engagement with First Nations led organisations to support Aboriginal and Torres Strait Island dancers who are interested in ballet training.

**Child Safe Standard 2: Child safety and wellbeing is embedded in organisational leadership, governance and culture.**

The School has made a public Statement of Commitment to child safety at all levels of the School, including the Board and MRH and has enunciated clear expectations, including written guidance in its Child Safety and Wellbeing Policies on acceptable and unacceptable behaviours towards children.

The Board ensures through its sub-committee structure, governance guidelines facilitate the implementation of the child safety and wellbeing policy at all levels of the School.

Together the Executive Team and the Senior Management Team actively model and champion a culture of child safety and wellbeing to ensure it is understood and practiced throughout the School.

At the commencement of each calendar year the Director/Head of School and the Executive Director will ensure all Staff Members and students receive appropriate child safety, Cultural Safety, wellbeing and health and safety updates or induction.

The School's formal induction process for all Staff Members and Volunteers joining the School ensures an appropriate presentation and direction is communicated in respect of the importance of the School's policies and procedures, including reporting obligations and record keeping processes in relation to child safety are clearly and comprehensively provided. Separate record keeping is maintained at MRH.

**Child Safe Standard 3: Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.**

The School fosters the involvement of the students in developing and maintaining a child safe environment. Empowering children and young people improves child safety.

The Health and Wellbeing Manager promotes and encourages student participation in the decision-making process, by seeking their views and demonstrating the value and respect this participation and feedback deserves.

Children are informed about all their rights, including to child safety information and participation. The School conducts regular classes to create a safe environment for sharing ideas and highlighting the importance of friendships and encouraging support from peers. Friends are often the primary people children will go to for information, advice and support. "Connecting to the School Community" classes are conducted by an external provider and are tailored for each year level. One aim of these programs is to provide students with the confidence to approach any Staff Member or other adult member of the School Community in relation to any concerns they may have, particularly in relation to safety. When children believe their contributions are valued, they are more likely to speak up when harmed or feeling unsafe or isolated.

**Standard 4: Families and communities are informed and involved in promoting child safety and wellbeing.**

The School recognizes the importance family engagement has in monitoring children's safety, wellbeing and helping children to disclose concerns and ideas for improvement. The School has a Family Support Program (FSP) which actively engages families in two-way consultative communications with the School. In consultation with the FSP, a regular newsletter is provided to students and families.

The School provides families and all other members of the School Community with access to their child safe policies and procedures.

**Standard 5: Equity is upheld, and diverse needs respected in policy and practice.**

The School through its policies, induction process and regular information and staff development programs, ensures Staff Members understand children's diverse circumstances and needs are identified and respected, while also providing support and responding to those who are vulnerable.

A full school assembly at the commencement of each term provides an opportunity for the reinforcement of the School's child safety and wellbeing culture.

Staff meetings provide an opportunity for initiatives and items of concern to be discussed openly and thoroughly by all Staff Members. Full staff meetings are held regularly, Artistic staff meetings, Health team meetings and MRH team meetings are held weekly.

The School undertakes risk analysis assessments to support the needs of children with disability, children from culturally and linguistically diverse backgrounds, children who are unable to live at home and lesbian, gay, bisexual, transgender and intersex children.

**Standard 6: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.**

**See:** Working with Children Clearance Policy (5.3.5). The Recruitment Policy and procedures and required referee and background checks of the School are closely aligned to the Standards and ensure child safety and wellbeing is emphasised.

Ongoing supervision and people management is focused on child safety and wellbeing.

**Standard 7: Processes for complaints and concerns are child focused.**

The School has a *Student Complaint Form*, which is available to students to lodge a complaint with respect to concerns they may have for their safety. A *Child Safety Incident Report* is available for staff to document any incident, disclosure or suspicion involving a student who has encountered or is potentially exposed to the threat of abuse, encompassing instances of familial violence. This report is based upon the 'PROTECT' – protecting children from abuse, identification and reporting process - (four critical actions) template developed by the Victorian Government, which guides how any incident, disclosure or suspicion that a child has been, or is at risk of being abused should be used. The 'PROTECT' identification and reporting process is communicated and available to students and Staff Members. Both documents are available from the Health and Wellbeing Manager.

The School has a Child Safety Harm and Abuse Complaints Policy (pending), a Student Complaints and Appeals Policy and a Reportable Conduct Scheme Policy ensuring the processes for handling complaints and concerns are child focused and Culturally Safe. Complaints are taken seriously, responded to promptly and thoroughly.

Record keeping processes ensure child safety concerns and/or incidents, regular in-service staff training and legislative changes are logged.

Reporting, privacy and employment law obligations are embedded in the School's policies.

**Standard 8: Staff and Volunteers are equipped with the knowledge, skills and awareness to keep children safe through ongoing education and training.**

Staff Members and Volunteers are trained and supported to implement the School's child safety and wellbeing policy. This training includes information to recognise indicators of Child Abuse including harm caused by other children.

Staff Members and Volunteers receive training and information to support students to express their views, take part in decision making and raise any concerns they may have relating to child safety and non-child safety matters. Training also covers being able to identify and to respond effectively to issues of child safety and wellbeing, to be aware to the signs of harm, identify signs of Child Abuse support colleagues who disclose harm and to understand the requirements to develop culturally safe environments for children.

**Standard 9: Physical and online environments promote safety and wellbeing while minimising the opportunity for children to be harmed.**

The School's Code of Conduct and Child Safe policy and practices set the boundaries and expectations for use of the online environment, to ensure it is accessed and used in a respectful and child safe manner. See: Appropriate Use of Technology Policy (4.3).

The School identifies that it has a responsibility to ensure physical and online environments promote child safety and wellbeing without compromising a child's right to privacy, access to information, social connections and learning opportunities. The School has cyber safety policies in place and conducts regular/annual information sessions for all students on these subjects. This is also included in staff meetings and training sessions. The Online Learning Guidelines and Staff-Student Agreement documents complement these requirements.



Risk management plans address risks posed by unique training requirements for vocational dance, activities and the boarding and physical environments.

Contract facilities and services for child-connected work from third parties are monitored and overseen by Staff Members when necessary to ensure work undertaken is conducted in a child safe manner.

**Standard 10: Implementation of the Child Safe Standards is regularly reviewed and improved.**

The School regularly reviews, evaluates and improves its child safe practices. The interests of children are put first and are at the centre of the School's activities.

Complaints, concerns and safety incidents are analysed to identify causes and unforeseen risk factors to guide continuous improvement.

The School provides appropriate reporting with regard to the continuity of care and the findings of relevant reviews to Staff Members, Volunteers, community and families and children.

**Standard 11: Policies and procedures document how the organisation is safe for children and young people.**

The School adopts best practice models and, benchmarking and engages external Consultants trained and specializing in the area of child safety and wellbeing as well as in stakeholder consultation to inform the development of policies and procedures which address the Standards.

The Board, Executive Team and the Senior Management of the School champion and lead by example to ensure compliance with child safe policies and procedures. Staff Members and Volunteers are provided with initial Induction Program and then refresher training to ensure they understand and implement the policies and procedures.