

Child Safe Policy



Purpose

1. Circus Arts Australia promotes and maintains a culture that does not tolerate child abuse, neglect, or exploitation. This policy establishes Circus Arts Australia's expectations of all staff and volunteers to provide a safe environment for children and sets out our approach to managing risk to children and young people arising through the day-to-day work of Circus Arts Australia.
2. Circus Arts Australia's priority is to ensure the welfare and safety of every child that has contact with its employees, contractors, consultants, officials, and providers engaged by Circus Arts Australia to deliver services to children.
3. The policy outlined in this document has been developed to give effect to the Commonwealth Child Safe Framework, and the NIF Child Safeguarding Policy where both set out the minimum standards for creating and embedding a child safe culture in organisations, and the National Principles for Child Safe Organisations.
4. Circus Arts Australia's Child Safe Policy is guided by the following principles:
 - Recognise children's rights and interests.
 - Build and maintain a child safe culture and environment.
 - Provide support and protection to staff who report incidents under this policy.

Scope and Audience

1. This policy applies to all persons who undertake work for Circus Arts Australia.
2. Service providers who deliver services to children as funded by Circus Arts Australia (for example, contracted service providers and subcontractors – third party provider/s) must comply with the terms and conditions in their contracts and agreements pertaining to child safety.
3. This policy must be considered when developing, designing, and managing Circus Arts Australia's policies and programs to ensure they promote children's rights and include relevant child safety considerations.
4. For the purposes of this policy, the definition of child-related work is being engaged in:
 - a) work activities where contact (physical, face-to-face, oral, written, or electronic contact) between a staff member and a child would reasonably be expected as a normal part of the work and such contact is not occasional (infrequently or irregularly) and incidental (occurring by chance) to the work; or
 - b) work that requires a Working with Children Check (WWCC) in the state or territory jurisdiction in which the work is being undertaken.



Responsibilities

1. Ensuring the safety, welfare and wellbeing of children is the responsibility of all staff.
2. Circus Arts Australia will:
 - a. Annually review and publish its Child Safe Policy.
 - b. Undertake an annual risk assessment in relation to child safety activities, to identify the level of responsibility for, and contact with, children and young people, evaluate the risk of harm or abuse and put in place appropriate strategies to manage identified risks.
 - c. The results of the assessment will inform any revisions to the Child Safe Risk Management Plan.
 - d. The annual risk assessment will be completed by 31 December of each year and the Child Safe Risk Management Plan revised when significant functions within the organisation are gained or lost.
 - e. Annually publish a statement of compliance with the Commonwealth Child Safe Framework including an overview of the child safety risk assessment to be uploaded to the Circus Arts Australia website
 - f. Maintain a register of child safe positions.
 - g. Coordinate child safe training for staff and monitor compliance.
 - h. Maintain a record of relevant child safe complaints.
3. All staff will:
 - a. Ensure child safety is considered when developing risk plans for any functions that are associated with children and/or young people within their business area.
 - b. Ensure child safety in the design of programs and policies that impact upon children.
 - c. When managing grants and procurements, consider child safety implications if the services are for children, or activities will or may involve contact with children, that are as a usual part of, and more than incidental, to the services or grant activity.
 - d. Complete Child Safety training as directed.
 - e. Appropriately report potential risk to child safety including any breaches of this policy.

If they require a Working with Children or Vulnerable Persons Check (however described), comply with the appropriate legislative requirements of the jurisdiction, including reporting a change in circumstances and mandatory reporting requirements

Working with People and Young Children

1. Circus Arts Australia will undertake an annual review of staff positions to identify any child safe positions, with these recorded in the Human Resource Management System.
2. Staff employed in an identified child safe position, will be required to maintain a WWCC before they are appointed to the position. If, in the course of their employment in that position, they are not able to maintain their WWCC, the matter will be referred to Circus Arts Australia's Integrity Manager.
3. When hiring new staff for an identified child safe position, staff must follow the child safe protocols in the recruitment process.
4. When recruiting an under 18-year-old, supervising staff over 18 years of age will require a WWCC. The requirement for a WWCC will be dependent upon the legislation of the state or territory in which the work is being performed.
5. Please refer to the OCG's WWCC Policy for guidance on working with children or vulnerable persons check as required.

Training

1. All staff must complete the Child Safe eLearning - Keeping children safe in organisations, Child Safe Sport and Responding to Reportable Allegations training modules as part of induction training. These modules can be accessed via the OCG Website: [eLearning | Office of the Children's Guardian \(nsw.gov.au\)](https://www.oag.nsw.gov.au/elearning) Child Safe Sport - Module 1: Child Safe Sport

Reporting suspicions of child abuse or harm

1. As soon as immediate health and safety concerns are addressed, you must report all incidents, allegations, and complaints. Failure to report assault or child sexual abuse may amount to a criminal offence under the Crimes Act 1900. Depending on the circumstances, reports to multiple authorities may be required. Reporting requirements can differ based on where the alleged abuse occurred.
 - a. **Report to management:** You must report to your manager or the Integrity Manager or CEO of the organisation and complete an incident report.
 - b. **NSW Police:** You must report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming).
 - c. **NSW Department of Communities and Justice (Child Protection Helpline):** As a mandatory reporter, you must report if a child is considered to be at risk of significant harm - [Reporter Child Story](#)

Managing Complaints

1. All complaints made to Circus Arts or a Circus Arts staff member which involve children will be investigated in accordance with relevant Circus Arts Child Safe and Safeguarding Policies as well as in accordance with the Circus Arts Discipline and Complaints Policies.
2. The complaint will be investigated and escalated to Gymnastics Australia, Sports Integrity Australia, or a relevant regulatory organisation such as NSW Police or the OCG.

Sanctions for non-compliance

1. Failure to adhere to any aspect of this policy may constitute a breach of the Circus Arts Code of Conduct, the Circus Arts Employment Contract, and any other code/policy that details behavioural expectations and may result in disciplinary action that could include termination of employment.
2. Failure to adhere to relevant Working with Children or Vulnerable People Assessments and mandatory reporting legislation requirements may result in penalties to Circus Arts and the employee(s), as well as the potential of criminal charges.
3. Any incidences of non-compliance should be referred to Circus Arts Integrity Manager in the first instance.

Child Safe Code of Conduct

Circus Arts is committed to having an environment that is safe for all children where child abuse and harm are not tolerated. Child safety is a priority for Circus Arts Australia and the prevention and reporting of abuse is supported and encouraged. All staff, volunteers and contractors are responsible for promoting the safety, wellbeing and empowerment of children. Circus Arts recognises that discrimination can harm children and we treat all children with dignity and respect.

This Code of Conduct sets expectations for how staff, volunteers and contractors at Circus Arts should behave around children. This helps children participate safely at our circus school and have fun.

Circus arts is a physical activity and can be competitive, so having behavioural standards to manage the risks to children is important. This Code of Conduct identifies positive child safe behaviours that we ask staff, volunteers and contractors to demonstrate. It also identifies behaviours that we consider unacceptable and not permitted at our centres.

Not following standards of acceptable and unacceptable behaviour is a breach of this Code of Conduct and may result in disciplinary action. Some behaviours on their own may not be a serious breach of the Code of Conduct but together may indicate a concerning pattern of behaviour that poses a risk to the safety of children. Our disciplinary policy provides further information on processes that will be followed if breaches are identified.

All Circus Arts staff, volunteers and contractors must always follow these standards of behaviour, including when at our Centres or offsite performing or when engaging with Circus Arts students and their families at any time:

I WILL:

- take all reasonable steps to protect children from abuse
- take disclosures of harm or abuse made by a child seriously
- raise concerns with management if risks to child safety are identified.
- Report and act on any concerns or observed breaches of this Code of Conduct
- participate in all compulsory training and professional development including training on child safety and wellbeing
- treat all children and young people with respect, regardless of race, sex, gender identity, sexual orientation, language, religion, political or other opinion, nationality, cultural background, financial situation, disability or other characteristics
- consider the different needs of all children at Circus Arts, support them to participate fully in programs and help them and their families feel included in all areas
- be inclusive to Indigenous children and families and welcome and support children to express their culture and enjoy their cultural rights
- never be racist towards anyone at Circus Arts and report any instances of racism I become aware of
- help Circus Arts be a place where people of all cultures feel safe and included
- listen to children and respond to them if they feel unsafe.
- value children and young people's ideas and opinions
- promote friendships and encourage children and young people to support their peers
- provide positive feedback and encouragement to all participants
- be a positive role model to all participants
- involve children and young people in decisions about the activities they participate in and welcome the participation of parents and carers in these decisions
- report any conflicts of interest I have (such as an outside relationship with a child) that may affect my ability to perform my role
- respect the privacy of children and their families, including keeping all personal information confidential unless required by law to share it
- inform parents and carers if there are situations that need to be safely managed but are outside the boundaries of this Code of Conduct (such as driving a child to a performance or undertaking one-on-one training sessions)
- only have physical contact with a child in ways which are appropriate to my professional roles and responsibilities
- ensure breaches of this Code are reported to our Child Safety Person immediately
- comply with all relevant Australian and NSW legislation and our child safe policies and procedures
- uphold the rights of the child and always prioritise their needs.
- provide safe drills, progressions and instruction during class and be active in my role of duty of care of the children.

I WILL NOT:

- condone or participate in illegal, unsafe, abusive or harmful behaviour towards children – this includes physical violence, sexual abuse, emotional or psychological abuse, grooming, neglect or sexual misconduct
- ignore or disregard any concerns, suspicions or disclosures of child abuse or harm
- exaggerate or trivialise child abuse issues
- use hurtful or offensive behaviour or language with children
- fail to report information to police if I know a child has been abused
- touch children in a way that is unnecessary or unsuitable and falls outside what is reasonable to teach circus arts or otherwise engage in the activities of Circus Arts
- persistently criticise and/or denigrate a child
- deliberately prevent a child from forming friendships
- verbally assault a child or create a climate of fear
- offer children and young people alcohol, cigarettes or other drugs
- show children pornographic images
- share details of sexual experiences with a child
- use sexual language or gestures in the presence of children
- initiate unnecessary physical contact with children or do things of a personal nature that children can do for themselves such as changing clothes
- develop 'special' relationships with specific children or show favouritism through the provision of gifts or unnecessary or unsuitable attention
- have unauthorised contact with children and young people online, on social media or by phone
- take photographs, screenshots or share images of children involved in activities that are not authorised by Circus Arts
- be alone with a child when there is no professional reason for doing so
- engage in babysitting, mentoring and/or tutoring a child out of work hours (without managerial approval for this kind of secondary employment)
- enter changing facilities without first knocking or without another cleared adult present

If I suspect that this Code of Conduct has been breached by another person in the organisation:

I WILL:

- act to prioritise the best interests of the child or children
- promptly take actions to ensure the child or children are safe
- as soon as possible report the incident or concerns using the Circus Arts complaints process
- maintain the privacy of those involved, following Circus Arts record keeping, privacy and information sharing guidelines.

Complaints about a breach of this Code of Conduct must be reported to our Child Safety Person, Belinda Hultgren: (02) 6685 6566, or via her email: belinda@circusarts.com.au.

Some breaches of this Code of Conduct may need to be reported to the NSW Police, or to the Commission for Children and Young People. Our Complaint Handling Policy provides more information about our reporting obligations to external authorities as well as describing protections and confidentiality provisions for anyone making a report. The policy can be found by asking at the front desk. It is also available as a link on our website.

Staff and volunteers who breach our Code of Conduct may also be subject to disciplinary action. This can include increased supervision, appointment to an alternative role, suspension or termination from the organisation. Detailed descriptions of breaches are found in our Child Safe Policy. This can be found by asking at the front desk. It is also available as a link on our website.

PLEASE NOTE:

If any person in a position of authority within our organisation becomes aware of a substantial risk that a child may become the victim of a sexual offence committed by an adult associated with the organisation (for example, an employee, contractor or volunteer), and they have the power or responsibility to reduce or remove the risk, then they must take all reasonable steps to do so. A person in authority who negligently fails to take appropriate action to address the risk may be charged with the criminal offence of 'failing to protect' and may face a term of imprisonment.

If an adult reasonably believes a sexual offence has been committed by an adult against a child under the age of 16, they must report it to NSW Police by calling 000 or going to their local police station. Failure to disclose the information may be a criminal offence.

Statement of Commitment to Child Safety

At Circus Arts, the wellbeing of all children in our care is paramount and therefore all trainers are made aware of their responsibilities towards the safety of children and we help ensure this by screening all staff with Working With Children Checks and regularly updating their knowledge on policies and procedures.

CIRCUS ARTS acknowledges that all children in its programs have the right to feel safe at all times. CIRCUS ARTS is committed to creating an environment of trust where children can feel safe to talk about anything openly. CIRCUS ARTS employees / volunteers will do everything they can to protect the rights, interests and wellbeing of the children and young people in their care.

Supervision of Children

As CIRCUS ARTS staff / Volunteers it is important that you also follow some common sense guidelines when working with Children to protect the child and yourself i.e. avoid situations that put you and a child alone in a private space, especially if of opposite sex.

All staff working at CIRCUS ARTS are required to obtain a Working with Children Check, know the Child Protection policy above and read the Gymnastics Australia Child Safe Policy (http://www.gymnastics.org.au/GA/Child_Safety/Child_Safe_Policy_Codes/Ga/Child_Safety/Child_Safeguarding_Policies.aspx?hkey=09a19c84-77bf-4dec-a38d-5fe89b1ec92e)

The Rule of Three:

Coaches, integrated support team members, parents, staff personnel and other responsible adults play an important role in ensuring athletes participate in a positive and safe environment. These individuals will be collectively referred to as “adults in a position of trust” throughout this statement and have been verified through the Working With Children’s Check (WWCC) screening process.

Circus Arts training, events, activities, and meetings are encouraged to adhere to these best practice guidelines. Open and observable environments are strongly recommended in an effort to foster safety, enhance protection and help reduce vulnerability of both the child and coach, integrated support team members, responsible adults or other team personnel.

The “Gold Standard” Rule of Three states that there will always be two “adult in a position of trust” with a participant, especially a minor athlete, when in a potentially vulnerable situation. Vulnerable situations include but are not limited to:

- Closed Door Meetings
- Medical Treatments
- Travel to/from training, shows or other events/activities
- Any training or show environments without a second coach or responsible adult present (on the floor, in the warm-up area, etc.)

This means that any one-on-one interaction between a coach and an participant should take place within earshot and view of the second “adult in a position of trust”, with the exception of medical emergencies. Should there be a circumstance where a second certified (WWCC) adult is not available, a screened volunteer, parent, or responsible adult can be recruited. If necessary, other athletes may also be recruited. In all circumstances, at least one coach, parent or responsible adult should reflect the gender identity of the participants.

Managing Drop Offs and Pick Ups

Circus Arts has a sign in/out procedure for child drop-offs and pick-ups. All participants at Circus Arts need to sign in at reception for each class. During Holiday Programs, Circus Arts requires parents/guardians to sign out the participants at reception at the time of pick up.

If a child is late to be picked up, Circus Arts will apply the Rule of Three (outlined in Supervision of Children section). If another adult cannot be available, the staff and child must stay in view of the security cameras at all times.

Transportation of Children

Circus Arts requires written consent from a parent or guardian before allowing a staff member to transport a child. Circus Arts also requires staff adhere to the Rule of Three when transporting a child. See section Supervision of Children for more information.

Online Communication/Social Media Use

All Circus Arts communications to parents/guardians needs to be through an approved Circus Arts channel within Business hours:

- Emails from the @circusarts.com.au
- Official Instagram (messages, comments)
- Official Facebook (messages, comments)
- Circus Arts Reception Phone (calls)
- Circus Arts Reception Mobile (calls and texts)

Circus Arts does not publicly tag minors in images or videos on their social media.

Circus Arts does not permit the following online communications with children:

- Direct messages, emails or calls where the parent/guardian is not a part of (cc'd on emails, present at time of call etc)
- Direct messaging, emails or calls from a coach or staff members personal social media, email or phone.

Photography & Use of Images

Circus Arts has a photography/videography & use of images consent waiver. Images of children will only be used for social media/advertising and website if a parent/guardian has signed the waiver.

Any photos/videos taken/recorded must be done on a Circus Arts owned/approved device and images/video will be saved on a password encrypted server where only relevant marketing/management staff members have access to.

No Circus Arts Coach/Staff member is permitted to take photos/videos of children on their personal devices.

Alcohol, Drugs, Cigarettes, Vapes & Pornography

Circus Arts has a duty of care to ensure that all employees, contractors, visitors and customers are not subjected to unnecessary hazards. As part of this duty of care, Circus Arts will take all practical steps to ensure employees and contractors are competent and in a fit state to work safely to minimize risks to themselves and their work mates.

All employees and contractors have a duty of care to take reasonable steps to ensure their own safety and that of their workmates is not compromised. All employees and contractors are legally obligated to be in a fit state for work and to work safely. The use of alcohol or drugs, which results in a person not being able to perform their job safely, is a breach of this duty of care.

Employees / Contractors are required to:

- Present themselves for work in a condition free from the effects of drugs and/or alcohol.
- Not use or possess illegal drugs at any time at any Circus Arts workplace.
- Report to their supervisor if undergoing prescribed medical treatment with a controlled substance that may affect the safe performance of their duties.
- Notify their manager/supervisor of any concerns as to the condition of any personal in their workplace.
- Co-operate in any investigation into drug or alcohol possession or miss use.
- Only drive a Circus Arts vehicle, when free from the effects of alcohol or suffering from the effects of illegal substances.
- Comply with this policy, including agreeing to leave the workplace if so directed by their supervisor/manager.

Failure to comply with any of the above points constitutes a breach of this Policy.

Any individual who is adversely affected by alcohol or drugs will not be allowed to work until they are fit to do so. If an individual affected by alcohol or other drugs are sent home to recover, they will not be paid for the lost time. Disciplinary action may be taken on return to work.

Inappropriate Conversations

Circus Arts Coaches and Staff are expected to conduct themselves in a professional and courteous manner and observe the upmost standards of behaviour both inside the workplace and outside the workplace where the workplace participant can be perceived as representing Circus Arts.

Employees, Managers, participants, parents/guardians and members of the public are encouraged to report if any of the following inappropriate conversations take place with an employee or representative of Circus Arts:

- Discrimination
- Sexual Harassment
- Bullying
- Victimisation
- Shame Statements

Reporting can be in person, a call (02) 6685 6566, an email belinda@circusarts.com.au or through the anonymous form found in the Child Safety section on the Website.

Physical Contact with Children

Given that physical contact is part of circus training, CIRCUS ARTS is committed to working with parents/carers to educate children about safe and unsafe physical contact in an age appropriate way.

What constitutes unsafe or inappropriate touching?

According to the *Commission for Children & Young People*, "a touch is unsafe when a child or young person does not have choice or control over it"

A touch can be unsafe if:

- They don't feel safe being touched that way, or on that part of the body
- They like the type of touch, but not the person touching them
- They aren't being given a choice about whether they are touched

Gifts & Benefits

Circus Arts Coaches and Staff are not permitted to provide any special treatment, gifts or benefits to any child or adult participant at Circus Arts. This includes but is not limited to:

- Gifts
- Special treatment/ showing favouritism within Circus Arts classes
- Complementary Private Lessons at Circus Arts
- Coaching external to the Circus Arts venues

Changeroom Etiquette

If a Circus Arts coach or staff member needs to accompany a child into the bathroom or changerooms the Rule of Three will apply (detailed in section on Supervision of Children).

Overnight Accommodation

When traveling for shows or training the following policy applies for accommodation:

- The Rule of Three applies (detailed in section on Supervision of Children)
- A child is not allowed to share a room with a coach or staff member
- A child can only share a room with another child of the same sex
- A coach or staff member can only share a room with another adult of the same sex
- No coach can share a room with an adult participant

Illness & Injury Management

- Only coaches/staff with current First Aid Certification can administer First Aid.
- If administering basic First-Aid, do it in a more public space i.e. not in the back room and ask the patient to assist as much as possible.
- If a child needs to go to the toilet or another private space, use staff of the same sex to assist and/ or take another person (parent/staff) with you.

Glossary of Terms

Term	Definition
Child or children	Child or children In Accordance with the United Nations Convention on the Rights of the Child, child means any human under the age of 18 years.
Child Exploitation	One or more of the following: <ol style="list-style-type: none"> committing or coercing another person to commit an act or acts of abuse against a child possessing, controlling, producing, distributing, obtaining, or transmitting child exploitation material committing or coercing another person to commit an act or acts of grooming or online grooming using a minor for profit, labour, sexual gratification, or some other form of personal or financial advantage.
Child Protection	An activity or initiative designed to protect children from any form of harm, particularly that arising from child exploitation and abuse.
Child-related work	Means being engaged in: <ol style="list-style-type: none"> work activities where contact (physical, face-to-face, oral, written, or electronic contact) between a staff member and a child would reasonably be expected as a normal part of the work and such contact is not occasional (infrequently or irregularly) and incidental (occurring by chance) to the work, or work that requires a Working with Children Check (WWCC) in the state or territory jurisdiction in which the work is being undertaken.
Child safe position	A Circus Arts position that has been identified as having contact with a child as a normal part of work activities (that is, child-related work), and therefore is required to obtain and maintain a Working with Children Check in order to be engaged in that position.
Contractor	The individuals engaged to perform temporary services for which: <ol style="list-style-type: none"> the output is being produced on behalf of Circus Arts Australia the services are performed under the direction or supervision of Circus Arts Australia remuneration is based on time worked, usually calculated on an hourly rate.
Emotional abuse	A parent or caregiver's inappropriate verbal or symbolic acts towards a child and/or a pattern of failure over time to provide a child with adequate non-physical nurturing and emotional availability. Such acts of commission or omission are likely to damage a child's self-esteem or social competence.
Grooming	Grooming is intended to manipulate and control a child, their family or support networks with the intent of gaining access to the child and obtaining their compliance and silence in order to avoid abuse being discovered. Grooming may involve the use of alcohol or gifts or exposing the child to indecent material in order to procure sex from them.
Neglect	Neglect The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for the physical and emotional development and wellbeing of the child.
Physical abuse	The use of physical force against a child that results in harm for the child's health, survival, development, or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning, and suffocating.
Policy non-compliance	The failure to abide by Circus Art's policy.
Sexual abuse	The use of a child for sexual gratification by an older or significantly older child, adolescent, or adult

Staff	Staff are either employed by an organisation, engaged by an organisation on a subcontract basis, or engaged by an organisation on a voluntary or unpaid basis, staff can include paid staff, volunteers, interns, trainees, and consultants
Working with Children	Being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. This includes volunteering or other unpaid work
Working with Children Check	An assessment of whether a person poses an unacceptable risk to children. As part of this process, the applicant's criminal history, child protection information and other information is checked. A Working with Children Check may also be known under other names, such as a Working with Vulnerable People Check, a Blue Card, Working with Children Clearance, Ochre Card, etc.