

breaksea

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2024 SEASON

www.breaksea.org

POLICY

Children and Vulnerable Persons Safeguarding

POLICY STATEMENT

Breaksea Incorporated is committed to a culture that is safe and friendly for children and vulnerable persons, where we look after their wellbeing and listen to their opinions.

1. All people, regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background, have equal rights to protection from abuse, neglect or exploitation.
2. Breaksea Inc commits to promoting and protecting the welfare and human rights of people that interact with, or are affected by, our work - particularly those that may be at risk of abuse or exploitation such as children and vulnerable persons.
3. All staff, members, volunteers, partners and third parties of Breaksea Inc share responsibility for protecting everyone from abuse or exploitation.
4. Breaksea Inc has a process for managing incidents that must be followed when one arises.

PURPOSE

The purpose of this policy is to:

- a. Help protect people that interact with, or are affected by, Breaksea Inc
- b. Define the key terms we use when talking about protecting people or safeguarding.
- c. Set out and develop the way Breaksea manages safeguarding risks.
- d. Facilitate the safe management of incidents.
- e. Support a positive and effective internal culture towards safeguarding.

DEFINITIONS

A child is defined as, an individual(s) under the age of 18 years and Children has a similar meaning.

A Vulnerable Person is defined as, an individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation for any reason, including age, physical or mental illness, trauma or disability, pregnancy, the influence, or past or existing use, of alcohol, drugs or substances or any other reason. 'Safeguarding' means protecting the welfare and human rights of people that interact with, or are affected by, Breaksea Inc, particularly those that might be at risk of abuse or exploitation. This refers to any responsibility or measure undertaken to protect a person from harm.

'Abuse, neglect or exploitation' means all forms of physical and mental abuse, exploitation, coercion or ill-treatment. This might include, for example:

- a. Sexual harassment, bullying or abuse; this 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.
- b. Sexual criminal offences and serious sexual criminal offences;
- c. Threats of, or actual violence, verbal, emotional or social abuse;
- d. Cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crime;
- e. Coercion and exploitation;

f. Abuse of power.

'Reasonable grounds to suspect' is a situation where a person has some information that leads them to believe that abuse or exploitation has taken place, is taking place, or may take place. It comes with a low burden of proof (in fact, no proof is needed at all), but is based on some information. 'Reasonable grounds to suspect' might be formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, if;

- a) A child or vulnerable person states that they have been physically or sexually abused;
- b) A child or vulnerable person states that they know someone who has been physically or sexually abused (sometimes the child or vulnerable person may be talking about themselves);
- c) Someone who knows a child or vulnerable person states that they have been physically or sexually abused;
- d) Professional observations of the child or vulnerable person's behaviour or development leads a professional to form a belief that they have been physically or sexually abused or is likely to be abused; or
- e) Signs of abuse lead to a belief that the child or vulnerable person has been physically or sexually abused.

Questions that may help a person to determine whether they have 'reasonable grounds to suspect' might include:

- a. Could you explain to another person why you suspect something? This helps to make sure that your suspicion is based on information, even if you have no proof.
- b. Would an objective other person, with the same information as you, come to the same conclusion? This helps to make sure that your suspicion is as objective as possible.

ROLES & RESPONSIBILITIES

The **Board of Breaksea Incorporated** is responsible for:

- a. Protecting all people that interact with, or are affected by, Breaksea Inc
- b. Ensuring that there are appropriate and effective ways for Breaksea Inc to do this;

c. Ensuring that Breaksea Inc observes all relevant laws relating to safeguarding;

The **Artistic Director/CEO** is responsible for:

a. Ensuring Breaksea Inc has effective and appropriate ways to manage safeguarding and legal compliance;

b. Ensuring that, within the organisation's approach, reasonable steps are taken to protect people;

c. Managing reports of abuse or exploitation;

d. Ensuring that all staff, contractors, and volunteers are aware of relevant laws, policies and procedures, and Breaksea's Code of Conduct;

e. Ensuring that all staff, contractors and volunteers are aware of their obligations to report suspected incidents of abuse or exploitation;

f. Providing support for staff, contractors and volunteers in undertaking their responsibilities.

g. Ensuring that reports to external parties are made where required.

H. Encouraging children and vulnerable persons to speak up about all issues relating to their wellbeing, large and small

All **staff of Breaksea** are responsible for:

a. Promoting a positive culture towards safeguarding;

b. Implementing this policy in their area of responsibility;

c. Ensuring that the risks of incidents have been considered in their area of responsibility;

d. Ensuring that there are appropriate controls in place to prevent, detect and respond to incidents;

e. Facilitating the reporting of any suspected abuse or exploitation;

f. Taking a survivor-centric approach to potential incidents, ensuring that any incident is dealt with transparently and with accountability.

All **Volunteers of Breaksea Inc** are responsible for:

a. Familiarising themselves with the relevant laws, the Code of Conduct, policies and procedures for safeguarding;

b. Complying with all requirements;

c. Reporting any incident to the Artistic Director/CEO when it is reasonable to suspect that a person's safety or welfare is at risk

d. Reporting any suspicion to the Artistic Director/CEO that a person's safety or welfare may be at risk; and

e. Provide an environment that is supportive of everyone's emotional and physical safety.

14. All partners and contractors of Breaksea Inc are responsible for:

a. Implementing the provisions of this policy and Breaksea's procedures in their dealings with Breaksea;

b. Reporting any suspicion that an incident may have taken place, is taking place, or could take place.

MANAGING SAFEGUARDING RISK

The way Breaksea manages the risks of safeguarding will be:

a. Holistic. Breaksea Inc and its stakeholders will work to prevent, detect and take action on incidents.

b. Risk-based and proportionate. Breaksea Inc. will regularly assess the risks to people in its operations and develop proportionate controls to mitigate those risks.

c. Lawful. Breaksea Inc. will ensure that it understands and complies with the law in everything it does, in all jurisdictions in which it works.

Breaksea Inc. will manage risk by:

- a. Adhering to this Safeguarding Policy and its Code of Conduct;
- b. Doing due diligence checks of staff, volunteers and third parties (Working with Children Checks and Police Clearances);
- c. Implementing policies, procedures and systems that introduce controls to reduce the likelihood and consequence of incidents;
- d. Maintaining two reporting processes: the confidential reporting process, and the overt reporting process;
- e. Monitoring and reviewing the effectiveness and proportionality of its safeguarding approach.
- f. Ensuring all contractors, staff and volunteers adhere to the following safeguarding procedures:
 - Ensure children involved in productions are accompanied by a chaperone as stipulated by Live Performance Australia's Performance Agreement, (of which Breaksea Incorporated is a member company).
 - Decline/not respond to or request 'friendship' from children or vulnerable persons on social media platforms including facebook, instagram, messenger, what's app, telegram, signal etc
 - Not provide personal transportation to a child or vulnerable person, unless accompanied by their chaperone, parent or guardian
 - Avoid the use of messaging apps for communication. All communication is to be undertaken via email, ensuring that parents or guardians are copied into all correspondence.
 - Not exchange personal phone numbers, text or make direct telephone calls with children or vulnerable people unless written permission has been granted by a parent, guardian or carer.

REPORTING SUSPECTED INCIDENTS

All staff, volunteers and third parties must, as soon as practicable, report any suspicion that an incident has taken place, may be taking place, or could take place.

They may do this through direct reporting to:

- a. Any member of the board;
- b. The Artistic Director/CEO;

If a person wants to report confidentially, including with anonymity, they may use the confidential reporting system. A confidential message can be sent to Breaksea via our website <https://www.breaksea.org/governance>

If a person believes that another person is at risk of immediate harm or the victim of a criminal offence, they must dial 000.

INCIDENT MANAGEMENT

Harassment, abuse and exploitation are all serious misconduct. Where there is any direct or confidential report of suspected abuse, Breaksea Inc reserves the right to;

- a. Take disciplinary action against those it believes are responsible, which may include dismissal;
- b. Take civil legal action;
- c. Report the matter to the WA Police
- d. Report the matter to the WA Department for Child Protection on **1800 708 704**.

Internal Investigations

The Artistic Director/CEO 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 in consultation with the Chair of Breaksea Incorporated.

In the absence of the Artistic Director/CEO, the Chair of Breaksea will make this determination in consultation with the Board of Breaksea. All employees, contractors and volunteers must cooperate fully with the investigation.

Any such investigation will be conducted with the aim of procedural fairness for all involved.

The Artistic Director/CEO will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the Artistic Director/CEO shall inform the Board and coordinate the investigation with the appropriate investigators or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

Responding

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation's policies or its Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

External Investigations

If the appropriate child protection service or the police decide to conduct an investigation of any report that Breaksea Inc makes, all employees, contractors and volunteers must cooperate fully with the investigation.

PRIVACY

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Breaksea Incorporated will have safeguards and practices in place to ensure any personal

information is protected. Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

POLICY REVIEW

This policy will be reviewed annually by the Board of Breaksea Inc.