

Australian Children's Music Foundation – Child Protection Policy

The wellbeing of children is at the heart of the Australian Children's Music Foundation's (ACMF) purpose and functions. The ACMF is committed to promoting and protecting the best interests and safety of children. We have zero tolerance for child abuse, exploitation or neglect.

We are committed to implementing the National Principles for Child Safe Organisations and to maintaining an organisational culture which is consistent with those principles. Each of those principles is reflected in this policy.

<http://acmf.com.au/wp-content/uploads/2020/04/National-Principles-for-Child-Safe-Organisations.pdf>

The ACMF supports and respects all children, staff, and volunteers and will ensure all individuals are aware of their responsibilities in relation to child protection.

The ACMF will enable children and their families to provide their views on child wellbeing and protection and will consider these views in the implementation and reviews of this policy. All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from harm. The ACMF recognises the need to protect the cultural safety of Aboriginal children as well as those from culturally or linguistically diverse backgrounds, and the need to provide a safe environment for children living with a disability.

Scope

The wellbeing of all children with whom the ACMF interacts or delivers services is a shared responsibility of the ACMF, all staff, contractors, volunteers, and members of the ACMF community. Everyone engaged in the work of the ACMF is responsible for the care and protection of children and this policy applies to every adult employed, contracted to, volunteering or associated with the ACMF.

Purpose

The purpose of this policy is:

- To prevent child abuse or harm occurring within the ACMF.
- To promote an organisational culture of child safety consistent with the National Principles for Child Safe Organisations.
- To provide a clear statement confirming the ACMF's commitment to child wellbeing and individual and organisational responsibilities for preventing, identifying and reporting harm or abuse to children.
- To ensure that the ACMF community is made up the right people who understand and will act consistently with this policy.
- To ensure that the ACMF investigates and responds effectively to all concerns or allegations regarding harm or abuse of children.

Definitions

Child means a person below the age of 18 years.

Child protection means any responsibility, measure or activity undertaken to safeguard and minimise the risk of harm or abuse to children.

Child abuse means all forms of physical, emotional or sexual abuse, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that endanger a child's physical or emotional wellbeing.

Child sexual abuse is any act which exposes a child to, or involves a child in, sexual activity. Sexually abusive behaviours can include inappropriate touching, comments of a sexual nature to or in the presence of a child, exposing a child to sexual images or conduct, befriending or offering a material or financial benefit to a child or another adult for the purpose of gaining trust or lowering inhibitions to allow access to a child for unlawful sexual activity (child grooming), as well all forms of sexual assault.

Partner organisations include all organisations or bodies with whom the ACMF has an agreement or relationship with, with respect to the services the ACMF provides to children.

Significant harm includes a sexual offence committed against, with or in the presence of a child; sexual misconduct with, towards or in the presence of a child; ill-treatment of a child; neglect of a child; an assault against a child, or behaviour that causes significant emotional or psychological harm to a child.

A risk of significant harm is defined as a risk of harm that is sufficiently serious to warrant intervention, which would be reasonably expected to have a substantial or clearly adverse effect on a child's safety, welfare or wellbeing.

Responsibilities

The Board of the ACMF has responsibility for:

- Ensuring that appropriate child protection policies and procedures are implemented and for overall monitoring of their effectiveness. This policy and the ACMF Child Protection Code of Conduct will be reviewed by the Board at least every 2 years.
- Providing leadership and strategic direction which reinforces child wellbeing and protection as fundamental to the organisation's purpose and functions.

The CEO of the ACMF is responsible for:

- The implementation of this policy and the ACMF Child Protection Code of Conduct and ensuring that all staff, contractors and volunteers comply with their responsibilities.
- Ensuring that the ACMF conducts appropriate selection and screening of staff, contractors and volunteers.
- Ensuring that all staff, contractors, and volunteers are appropriately trained in and aware of their responsibilities under this policy, the Code of Conduct and any other relevant child protection requirements applicable to their work.
- Ensuring that all adults within the ACMF community are aware of their obligation to report suspected harm or abuse of a child in accordance with this policy and the law.

- Providing support for managers, staff, contractors, and volunteers in undertaking their child protection responsibilities.
- Monitoring compliance and ensuring reported harm or abuse is properly reported, investigated and managed.

All managers are responsible for:

- Supporting the CEO in the implementation of this policy, adherence to the Code of Conduct and appropriate selection and screening of staff, contractors and volunteers, including induction procedures.
- Providing or facilitating ongoing training and supervision of work consistent with this policy, the Code of Conduct and any other child protection laws or requirements applicable to the work being performed.
- Assessing the risk of harm to children within their area of control and minimising any risk to the extent possible. This includes being aware of all types of abuse that might occur within their area of responsibility, being alert for any indications of such conduct, and taking into account the views of children we are working with and any needs particular to those children.
- Encouraging the reporting of any inappropriate behaviour or suspected abuse.
- Managing and investigating any reported concerns or alleged abuse in an appropriate, effective and timely manner.

All staff, contractors and volunteers share responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with this policy, the Code of Conduct, and any relevant laws related to child protection applicable to their work and comply with all requirements.
- Work in a way that maintains professional boundaries, respects others, allows children to express their view and is supportive of the wellbeing and safety of children.
- Immediately report any suspected abuse to appropriate authorities, relevant partner organisation and the ACMF.
- Immediately report any other risks to children to the relevant partner organisation and the ACMF.
- Comply with any reasonable direction given by the ACMF regarding child protection measures.

Recruitment and screening

The ACMF undertakes a comprehensive recruitment and screening process for all staff, contractors, and volunteers that aims to:

- promote and protect the safety of all children with whom the ACMF engages;
- identify the most suitable people to conduct work for the ACMF, who share the; ACMF's values and commitment to protect children; and
- prevent a person from working at the ACMF if they pose a risk to children.

The ACMF will require all new staff, contractors and volunteers to undergo Working With Children Check clearance before they commence working at the ACMF and during their time with the ACMF where required.

Further verification of Working With Children Checks will be conducted during employment or engagement, consistent with any relevant expiry dates and at least every 3 years in relation to each individual. The ACMF will immediately remove a person from child-related work if it receives any notification that the person has become disqualified from such work.

The ACMF will also comply with all requirements for registration, verification and record keeping with respect to Working With Children Checks, as required by legislation.

The ACMF will assess a person's suitability to work with the ACMF from the perspective of child wellbeing and safety in its recruitment processes, and will undertake thorough reference checks of all new applicants.

Once engaged, all staff, contractors and volunteers must review and acknowledge they have read and understood this policy and the Code of Conduct. They will also be invited to undertake training on a periodic basis in relation to child protection and safety.

All staff, contractors and volunteers will be required to comply with any additional child protection screening, training or policies that may be required by partner organisations.

Risk mitigation

The ACMF will consider child wellbeing and safety in relation to the services it offers, the partnerships it develops and in relation to the fundraising and other events it holds.

The ACMF will ensure that children, their families and caregivers are provided with contact information that allows for enquiries and feedback to be given about its work and for the opportunity to provide views about issues of child wellbeing and safety at any time.

The ACMF will also take into account the following considerations in order to ensure that the planning and management of its services and events are protective of children:

- The views expressed by children, their families and caregivers
- The policies of partner organisations and other stakeholders
- The need for appropriate supervision and support to staff, contractors and volunteers with respect to their interactions with children
- The need to ensure that physical and social settings are appropriate for children
- Specific considerations relevant to the cultural or social background, or the particular physical or other needs, of children who will be participating in activities or events
- The need to keep appropriate records and documentation in relation to our engagements with children including staff and volunteer screening records, contact and attendance records, consent forms and any records of complaints
- The need to obtain parental or caregiver consent, where appropriate, for children to participate in certain activities

Reporting of risks

All adults in NSW and Victoria are required by law to report child abuse to either the Police or the Child Protection Helpline. This applies when an individual knows of or believes such abuse to have occurred as well as when they “reasonably ought to know” that a child has been abused. Failing to report such abuse is punishable by imprisonment.

An adult engaged in child-related work in NSW who knows that another adult working in the same organisation poses a serious risk of abusing a child, and has the power to address this risk but negligently fails to do so is also liable to punishment by imprisonment. This includes employees, contractors and volunteers. A similar offence applies in Victoria. The same offences are being considered, or are likely to come into operation, in other jurisdictions.

In addition to those offences related to reporting abuse or risks of abuse that apply to individuals, many of our partner organisations are subject to mandatory reporting obligations with respect to the risk of significant harm or abuse of children, which must be reported to relevant authorities.

For these reasons, if any staff member, contractor, volunteer or individual associated with the ACMF knows or suspects either that:

- a child associated with the ACMF has been abused or is at risk of abuse; or
- anyone working for or associated with the ACMF has abused any child or poses a risk to children

they must:

- Notify the Police or Child Protection Helpline (or other relevant child protection authority in the particular state or territory); and
- Notify the partner organisation and the ACMF as soon as possible after notifying authorities.

If any staff member, contractor or volunteer is unsure of their obligations regarding the reporting of abuse, or if they have concerns regarding a child’s wellbeing or safety that do not fall within the definition of child abuse or significant harm, they must report these to the ACMF. The ACMF will then advise what further reporting is required, will undertake an investigation and respond appropriately.

The complaint of a child regarding harm or abuse must never be dismissed. All complaints regarding child welfare must be taken seriously and reported consistent with this policy. The ACMF will ensure, in consultation with any relevant partner organisation, that a child complainant receives appropriate support, is informed of how the complaint will be handled.

All complaints that the ACMF is notified of will be dealt with in a timely and appropriate manner. The following initial details of a complaint will be obtained and recorded:

- the name of person reporting
- the date of the complaint
- the name of the child or children concerned
- the name of the person suspected of harming or abusing the child
- details of the grounds for suspicion
- who has been notified, when they were notified and any contact details

- any other support or assistance given to the child

All complaints regarding harm or abuse of children will be referred to the CEO who will coordinate a response by the ACMF, including:

- Assessing whether any additional information should be obtained from the complainant and whether any additional report should be provided to a partner organisation, relevant authority or the child's family as considered appropriate
- Assessing whether any support or assistance can be provided to the child, the child's family, or the employee, contractor or volunteer as deemed appropriate while an investigation takes place
- Reporting the matter to the Board of the ACMF and liaising with the Board as to the appropriate management of the complaint

Investigating complaints

It is the ACMF's expectation that all staff, contractors and volunteers will co-operate fully with any investigation conducted by any external authority, or partner organisation, and the ACMF will provide all reasonable support to facilitate this.

Subject to any advice from a partner organisation, or other authority, about how the ACMF should handle a complaint, the ACMF will promptly investigate any complaint relating to suspected harm or abuse of any child associated with the ACMF, or relating to the conduct or suitability of anyone who works for or with the ACMF. Every person requested to participate in an investigation about a complaint of this kind is expected to cooperate fully with the investigation process.

Nothing in the policy is intended to restrict the right of any person to obtain legal advice about any complaint made against them, and to act in accordance with that legal advice. Any investigation by the ACMF will be conducted according to the rules of natural justice. The ACMF will make every effort to keep investigations confidential and to limit disclosure to those who need to be informed or need to participate in an investigation.

Responding

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or may have breached the ACMF's policies or its Code of Conduct, the person concerned may be suspended from duties or excluded from the ACMF's activities while the investigation is conducted.

An employee, contractor or volunteer may also have their services suspended, or be excluded from certain activities, pending the investigation of a complaint by an external authority or partner organisation.

If the findings of either an external or internal investigation are that an offence has been committed, or that a breach of the organisation's policies or Code of Conduct has occurred, the ACMF may commence disciplinary action up to or including summary dismissal, or termination of engagement with the ACMF. The findings of an investigation conducted by the ACMF may also be reported to any external authority or partner organisation as required.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. The ACMF 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.

Reviewing

At least every two years, and following every reportable incident, a review will be conducted by the ACMF to assess whether this policy or the Code of Conduct require modification, or if any other changes need to be made to the services or activities of the ACMF to further ensure the wellbeing or safety of children.