



EAST GIPPSLAND ART GALLERY INCORPORATED

026 CHILD SAFETY and WELL BEING POLICY and PROCEDURES

Initiated and Approved	April 2016
Previous Review Endorsements	June 2022
Next Scheduled Review Date	February 2028

Acknowledgement of country – The Board and staff of the Gallery acknowledge the Brabralung people of the Gunnaikurnai Nation as the Traditional Owners of the land on which the Gallery stands and where we meet, exhibit, and celebrate art and culture. We pay our respect to Elders past, present, and emerging.

CHILD WELFARE AND SAFETY

East Gippsland Art gallery Incorporated (EGAG) has a public Commitment to Child Safety and Wellbeing

All children who come to EGAG have a right to feel and be safe. The welfare of the children in our care will always be our priority and we have a zero-tolerance approach to child abuse, harm, any form of racism or discrimination. We aim to create a child safe and child-friendly environment where children feel safe and have fun while enjoying learning the creative arts.

INTRODUCTION

Commitment to Child Safety

EGAG recognises the importance of identifying and managing risks of child harm and abuse in the physical and online environments operated by EGAG.

Scope

This Policy and Procedures applies to all Board Members, Employees, Volunteers, Contractors, children, and other individuals involved in EGAG.

This policy applies to all activities – classes, tutoring, workshops, and exhibitions conducted by EGAG.

PURPOSE

The purpose of this policy is

- To facilitate the prevention of child abuse occurring within EGAG.
- To work towards an organisational culture of child safety.
- To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
- To provide guidance to Board Members, Employees, Volunteers, Contractors, children and other individuals involved in EGAG as to action that should be taken where they suspect any abuse within or outside of the organisation.
- To provide a clear statement to Board Members, Employees, Volunteers, Contractors, and other individuals involved in EGAG forbidding any such abuse.
- To provide assurance that all suspected abuse will be reported and fully investigated.

DEFINITIONS

Child means a person below the age of 17 years Children Youth & Families Act 2005 (Vic)

Child safety means any responsibility, measure or activity undertaken to safeguard children from harm.



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Child abuse means

- a sexual offence committed against a child
- an offence committed against a child under section 49M(1) of the Crimes Act 1958 (Vic), such as grooming
- physical violence against a child
- causing serious emotional or psychological harm to a child
- serious neglect of a child.

Harm is

- damage to the health, safety or wellbeing of a child or young person, including because of child abuse by adults or the conduct of other children. It includes physical, emotional, sexual and psychological harm. Harm can arise from a single act or event and can also be cumulative, that is, arising because of a series of acts or events over a period of time.

Concerns and Complaints

A concern refers to any potential issue that could impact negatively on the safety and wellbeing of children.

A complaint is an expression of dissatisfaction with EGAG related to one or more of the following:

- EGAG, services or dealings with individuals
- Activities conducted by EGAG
- Allegations of abuse or misconduct by a staff member, a volunteer or another individual associated with EGAG
- Disclosures of abuse or harm made by a child or young person
- The conduct of a child or young person at EGAG,
- The inadequate handling of a prior concern
- General concerns about the safety of a group of children or activity.

Child sexual assault

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.

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 considered 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.
- 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.



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- 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 child states that they have been physically or sexually abused; A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
 - Someone who knows a child states that the child has been physically or sexually abused.
 - 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

Signs of abuse lead to a belief that the child has been physically or sexually abused

RESPONSIBILITY

The Board of East Gippsland Art Gallery Inc. has ultimate responsibility for

- Ensuring that documentation is in place to provide support to the Director of EGAG to create a positive culture around the safety and well being of children and young people.
- Prioritising children's safety and wellbeing and that action is taken when anyone raises concerns about children's safety.
- Will champion and model a child safe culture at EGAG
- Reviewing how EGAG is delivering Child Safety and Wellbeing as part of the Annual performance Review of the Director.

Everyone at EGAG has a role in identifying and managing risks of child abuse and harm.

The Board of Management will conduct an annual review of how effectively EGAG is delivering child safety and wellbeing.

The Board is also responsible for:

- Ensuring that appropriate policies and procedures and a Child Care and Wellbeing Code of Conduct are in place;
- Ensuring newly elected Board Members are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety) and sign a copy of the Child Safety Code of Conduct 026 Appendix 1;
- Reviewing Policies and Procedures at Triennially or as required..

The Gallery Director of EGAG is responsible for:

- Implementing the 11 stands set by the Commission for Children and Young People as of 1st July 2022
- Developing a Risk Management Plan with strategies to identify and reduce or remove risks of child abuse.
- Dealing with and investigating reports of child abuse;
- Ensuring that appropriate child safety training for staff and volunteers is identified and completed.
- Ensuring that all adults within the EGAG community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;



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- Ensuring that all Employees, Volunteers, Contractors, and other individuals involved in EGAG activities, are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety)
- Ensuring that all Employees and Volunteers sign a copy of the Child Safety and Wellbeing Code of Conduct 026A
- Ensuring that any other individual involved in specific activities with children also sign a copy of the Child Safety and Wellbeing Code of Conduct 026A.
- Providing support for Employees, Volunteers, Members and Contractors in undertaking their child safety responsibilities.
- Creating a positive culture around child safety and wellbeing responsibilities so that people feel comfortable raising concerns.
- The detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place.
- Ensuring that child safety is a part of its overall risk management approach.

POLICY STATEMENT

EGAG respects the rights of children and provide them with information about their rights including the right to be safe at any activities held at EGAG and actively seeks to understand what makes children feel safe at EGAG

EGAG is always committed to promoting and protecting the best interests of children involved in its programs.

All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family, cultural or social background, have equal rights to protection from abuse.

EGAG has zero tolerance for child abuse. Everyone working at EGAG is responsible for the care and protection of the children within our care and reporting information about suspected child abuse.

Child Care and Wellbeing is a shared responsibility between EGAG and the Board of Management, all employees, volunteers, contractors, and members of the EGAG community.

EGAG supports and respects all children, Employees and Volunteers. EGAG is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

All Board of Management on being elected, new Employees and Volunteers share in the responsibility for the prevention and detection of child abuse, and must:

- Undertake an Induction /Orientation process which will include signing off on the Child Safety and Wellbeing code of Conduct.
- Familiarise themselves with the relevant laws, the Code of Conduct, and EGAG's policy and procedures in relation to Child Safety and Wellbeing , and comply with all requirements;
- Report any reasonable belief that a child's safety is at risk to the Gallery Director for reporting to the relevant authorities (such as the police and / or the state-based child protection service)



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- Report any suspicion that a child's safety may be at risk to the Gallery Director (or, if either of those persons is involved in the suspicion, then report to the president of the Board of Management);
- Provide an environment that is supportive of all children's emotional and physical safety.

NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE

According to Australian Charities and Not for profit Commission (ACNC) Governance Standard # 6, EGAG will ensure that public trust and confidence in the Australian not-for-profit sector is maintained.

PROCEDURES

EGAG provides information to families and community about our child safe policies and practices including through:

- Displaying the 026 A Code of Conduct.
- Making the Policy and Procedures available on request.

Valuing diversity

EGAG values diversity and equity for all children. To achieve this, EGAG will:

- Provide training for all Board of Management, staff and volunteers on understanding diversity and how to support inclusion and cultural safety
- Welcome and support participation of all children, including children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, LGBTIQ children and Aboriginal children and their families
- Have zero tolerance of racism and other forms of discrimination and act when discrimination or exclusion is identified
- Deliver programming that reflects the diversity of our workshop participants, their interests and cultures
- Strive to reflect the diversity of our community through representation in our staff and Board of Management.
- Have a physical and online environment that actively celebrates diversity
- Commit to ensuring our facilities and online activities promote inclusion of children of all abilities.

EGAG is particularly committed to recognise the importance of creating environments where Aboriginal Culture is celebrated.

Strategies to embed cultural safety for Aboriginal children include:

- An Acknowledgement of Country at all events and on all our policies.
- Consulting with families and members of the Aboriginal community to identify opportunities to promote Aboriginal culture and practices in the Kids Have Fun Performing Arts Academy studio and programs
- Providing opportunities for children to share their cultural identity and express their culture.
- Supporting children who wish to explore their culture, including consulting with their family and relevant Aboriginal organisations



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- Contractors or other providers of services will always be supervised by a member of staff while working with us to ensure child safety. See also the Code of Conduct above.

Code of Conduct

EGAG has a Child Safety and Wellbeing Code of Conduct. Staff, Volunteers, and the Board of Management must always comply with the Code of Conduct. Breaches of the Code of Conduct may result in disciplinary action including termination of a person's involvement with the organisation.

Induction /Orientation for new Board members, new staff and volunteers will include a copy of the code of conduct to be signed off.

Recruitment of new Employees

EGAG undertakes a comprehensive recruitment and screening process for all Employees and Volunteers

EGAG requires all Employees and Volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with EGAG.

EGAG requires newly elected Board of Management Members, newly appointed Employees and Volunteers to undergo a Police Check and obtain a Working with children check before as they commence working at EGAG.

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

Complaints or feedback of actual or suspected abuse

Children Youth and Families Act 2005 (Vic) indicates that EGAG is not mandated to make reports, however any person may voluntarily make a report "if the person has a significant concern for the wellbeing of a child"

Any Employee and/or Volunteer who has grounds to suspect abusive activity must immediately notify the Gallery Director.

In situations where the Gallery Director is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the President of the Board of Management.

If any person believes a child is in immediate risk of abuse. telephone 000

Investigating

If the appropriate child protection service or the police decide to investigate this report, all Board of Management Members, Employees, Contractors, or Volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to investigate, the Gallery 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 Gallery Director may decide to conduct such an investigation.

Any such investigation will be conducted according to the rules of natural justice.

The Gallery Director will make every effort to keep any such investigation confidential; however, from time-to-time other members of employees 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 Gallery 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.



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Responding

If it is alleged that a member of employees, 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.

Privacy

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

Following every reportable incident, a review shall be conducted to assess whether EGAG Child Safety and Wellbeing policies or procedures require modification.

National Redress Scheme for Institutional Child Sexual Abuse

According to ACNC Governance Standard #6

EGAG agree to:

Becoming a participating non-government institution within six months of the relevant redress application relating to EGAG being made or within six months of EGAG being identified in a response to a request for information under the Redress Act

Participate in the Redress Scheme for the purposes of paragraph 115(3)(c) of the Redress Act, so that EGAG can become a participating non-government institution within six months, and

Act on requests made by officers of the National Redress Scheme relating to EGAG Inc's participation in the scheme without delay.

RELATED DOCUMENTS

- 002 Confidentiality Policy/Procedures
- 004 Governance Code of Ethics Policy/Procedures
- 008 Legislative Compliance Policy/Procedures
- 012 Risk Management Policy/Procedures
- 017 Employees Recruitment Policy/Procedures
- 029 Affirmation Action, Anti-Discrimination, Equal Opportunity Policy/Procedures
- 031 Bullying Policy/Procedures
- 033 Sexual Harassment Policy/Procedures
- 026A Child Safety and Wellbeing Code of Conduct (In P/P Manual Hard copy)
- 026 Appendix 1 The Commission for Children and Young People 11 Standards 1st July 2022 (In P/P Manual Hard copy)
- The laws of the Commonwealth or of the relevant State or Territory.
- Australian Charity and Non for-Profit Commission Governance Standard 6. 2022



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See signed hard copy Policy Procedure Manual EGAG

AUTHORISATION

- NAME... SIGNED
- DATE..... POSITION.....

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