

Sydney Opera House Policy

Title:	Child Safety Policy
Policy Number:	2023/6
Effective Date:	12/09/2023
Authorisation:	Chief Executive Officer
Authorisation Date:	06/06/2023
Superseded Policy:	Child Protection Policy – SOH109
Accountable Director:	Executive Director, People & Government
Responsible Officer:	

Please be aware that this policy and supporting procedures include content that may be confronting, particularly for victims and survivors of child abuse. Support is available for anyone who needs it, including through:

- The Opera House's Employee Assistance Program Access: 1800 818 728
- Your HR Business Partner
- 1800 Respect: 1800 737 732
- Lifeline: 131 114
- Kids Helpline: 1800 55 1800.

1. CORE PROPOSITION

- 1.1. The Sydney Opera House (SOH) is a public space for people of all ages. It provides tailored programs and services for Children, including:
- Shows, performances and tours.
 - Onsite workshops and offsite school programs and residencies.
 - School holiday programs.
 - Digital resources and activities.
 - Student work experience programs and internships.
- 1.2. The Child Safety Policy (Policy) outlines how SOH will meet its commitment to the safety and wellbeing of Children at SOH Premises and Workplaces, and implements strategies to embed the NSW Child Safe Standards.

2. SCOPE

This Policy:

- Applies to Workers while they are working at SOH Premises, or are in a Workplace.
- Should be read together with SOH's *Child Safety Procedure* and *Child Safety Complaint Handling Procedure*, both of which support this Policy and the achievement of SOH's child safety commitments outlined below.

3. DEFINITIONS

- 3.1. **Children (or Child)** – means persons under the age of 18 years.
- 3.2. **Child Abuse** – any behaviour that harms a Child, including physical, sexual and emotional abuse, as well as neglect. Exposure to family violence is also considered a form of abuse.
- 3.3. **Child-related work** – in line with the *Child Protection (Working with Children) Act 2012 (NSW)* means work that involves:
- Direct (physical/face-to-face) contact with Children as a usual or more than incidental part of the work.

- Accessing confidential records or information about Children. This work requires employers to seek approval from the NSW Office of the Children's Guardian (OCG) prior to being deemed Child-related work. See SOH's *Child Safety Procedure* for details.

Note that supervisors of work being undertaken by Children engaged in work experience placements or similar training at SOH, as well as the co-workers of those Children, are not considered to be undertaking Child-related work and do not require a Working with Children Check (WWCC).

- 3.4. **Employees** – SOH ongoing, temporary and casual employees.
- 3.5. **Mandatory reporting** – means the legislative requirement for selected classes of people to report suspected Child Abuse to the NSW Department of Communities and Justice. At SOH, all workers engaged in Child-related work are mandatory reporters.
- 3.6. **NSW Child Safe Standards** – have the meanings provided in the *Children's Guardian Act 2019 (NSW)*:
 1. Child safety is embedded in organisational leadership, governance and culture.
 2. Children participate in decisions affecting them and are taken seriously.
 3. Families and communities are informed and involved.
 4. Equity is upheld and diverse needs are taken into account.
 5. People working with children are suitable and supported.
 6. Processes to respond to complaints of child abuse are child-focused.
 7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
 8. Physical and online environments minimise the opportunity for abuse to occur.
 9. Implementation of the Child Safe Standards is continuously reviewed and improved.
 10. Policies and procedures document how the organisation is child safe.
- 3.7. **Reportable conduct** – has the meaning provided in the *Children's Guardian Act 2019 (NSW)* and includes:
 - A sexual offence.
 - Sexual misconduct.
 - Ill-treatment of a child.
 - Neglect of a child.
 - An assault against a child.
 - An offence under section 43B or 316A of the *Crimes Act 1900 (NSW)*.
 - Behaviour that causes significant emotional or psychological harm to a child.
- 3.8. **SOH Premises** – the SOH premises at Bennelong Point, including the SOH building and surrounding outdoor areas, and any other premises operated by the SOH Trust.
- 3.9. **Workers** – has the meaning provided in the *Work Health and Safety Act 2011 (NSW)* and includes all Employees, and any other person engaged to undertake work in any capacity on behalf of SOH, including suppliers, contractors, subcontractors and their employees. Note this also includes participants in work experience, traineeship and internship programs who are over the age of 18 years (i.e. not Children).
- 3.10. **Workplace** – means a place where a Worker carries out work or work-related activities, in physical or online environments. Note this includes, but is not limited to, SOH Premises, off-site locations where SOH programs are delivered or venues where work-related events, attended by Workers, are held.
- 3.11. **Working with Children Check (WWCC)** – means the clearance required for anyone 18 years or older in Child-related work in NSW.

4. COMMITMENT TO BEING A CHILD SAFE ORGANISATION

- 4.1. SOH's greatest responsibility is safety. SOH recognises that Children are vulnerable persons and will implement strategies to protect their safety while engaging with SOH through its offering of programs and services. E.g. in the event of a lost child identified onsite, or when someone reports that a child is missing, SOH's Security team will follow the *SOP 03.35: Responding to Lost Vulnerable Persons Procedure* and will prioritise identifying and reuniting the child with their parent(s)/carer(s) as soon as possible. In line with this Policy (including Appendix A) and supporting procedures, other requirements apply to ensure the safety and wellbeing of the lost child.
- 4.2. SOH recognises the possible long-term effects that Child Abuse can have on a Child's healthy development and wellbeing and is committed to creating an environment where Children that engage with SOH feel protected and are safe from Child Abuse.
- 4.3. SOH is committed to the NSW Child Safe Standards and embedding Child safety into everyday practice by:
 - Identifying and assessing Child Abuse risks early, and adopting mitigation strategies to reduce these risks in both physical and online environments.
 - Engaging Workers who are suitable to work with Children by adopting robust recruitment processes that emphasise Child safety, including requirements for Workers undertaking Child-related work to have a valid WWCC.
 - Ensuring Workers are aware of their roles, responsibilities and legal obligations to protect Children from Child Abuse and comply with SOH's *Child Safety Code of Conduct* – refer to Appendix A.
 - Promoting the rights of Children, including their right to speak up and participate in decisions that affect their lives.
 - In line with SOH's *Diversity, Inclusion and Belonging Strategy (2021-23)*, recognising, respecting, and valuing the needs, identities and preferences of First Nations Children, Children from culturally and linguistically diverse backgrounds, Children with a disability and LGBTIQ+ Children.
 - Delivering and monitoring Child safety training and education to Employees to equip them with skills and knowledge to prevent Child Abuse and keep Children safe, and making Child safe training available to Workers who are not employees, if required.
 - Working with SOH's Resident Companies, hirers and other third parties to deliver services and programs at SOH Premises that are safe for Children.
 - Reporting Child Abuse incidents or concerns to the relevant authorities, including where there is an allegation against a Worker.
 - Continually improving SOH's Child safety policies, procedures and practices through policy reviews, audits and reviews following any Child safety complaint or concern.
 - Communicating relevant Child safety information to Workers, patrons/visitors and relevant stakeholders.

5. COMPLIANCE

- 5.1. For Employees, compliance with this Policy and supporting procedures is a condition of employment. Any breaches will be managed in line with SOH's *Code of Conduct* and may lead to disciplinary action.
- 5.2. Depending on the nature of the breach, outcomes for Employees may include:
 - Having their work restricted or changed temporarily.
 - Specific education and training with an emphasis on the component of the Policy that was breached.
 - Disciplinary measures, such as suspension, dismissal or termination of employment.
 - Any of the above and being reported to the relevant authorities, including the OCG or if the breach involves criminal conduct, the NSW Police. Refer to SOH's *Child Safety Complaint Handling Procedure* for details.

- 5.3. Workers other than Employees who breach this Policy and/or supporting procedures will be dealt with in accordance with their contractual arrangements with SOH and the nature of the breach. Outcomes may include termination of contract or engagement and/or reporting their conduct to the relevant authorities.
- 5.4. SOH will aim to promptly respond to all actual and suspected Policy breaches and manage the process in a fair, unbiased and supportive manner.

6. RESPONSIBILITIES

6.1. Workers are responsible for:

- Complying with this Policy and seeking advice if they do not understand any aspect of this Policy and/or supporting procedures.
- Completing all required training.
- Raising any Child safety concerns they may have, including in relation to a co-worker, with their manager or supervisor and/or the Executive Director, People & Government.
- Complying with all legislative obligations that apply in relation to reporting Child Abuse, in accordance with this Policy and SOH's *Child Safety Complaints Handling Procedure*.
- When involved in Child-related work:
 - o Maintaining a valid WWCC and completing all specific training required for Child-related roles.
 - o Monitoring Children that engage with SOH for possible signs of Child Abuse and checking to see if they are okay. Workers should be vigilant and alert to signs of Child Abuse and check with a Child if there is a concern.
 - o Upholding a duty of care towards all Children under their care/supervision.
 - o Reporting to the relevant authorities (such as the NSW Police or the NSW Department of Communities and Justice) any reasonable belief that a Child is at significant risk of Child Abuse in accordance with the applicable Mandatory reporting obligations.

6.2. Managers and supervisors are responsible for:

- Modelling Child safe behaviour that is expected from all Workers.
- Frequently communicating this Policy and supporting procedures to their teams and taking responsibility for compliance by Workers under their supervision or control whether directly or indirectly.
- Fostering a culture in which Workers can disclose their concerns about Child safety.
- Undertaking risk assessments for relevant activities within their business unit/area of control and monitoring whether Child safe controls and mitigation strategies are effective in identifying, preventing, and reducing risks of Child Abuse.
- Escalating Child safety complaints in accordance with SOH's *Child Safety Complaints Handling Procedure*.

6.3. People & Development team is responsible for:

- Communicating any Policy updates to Workers.
- Ensuring that all recruitment and employment procedures are carried out in accordance with this Policy and supporting procedures.
- Verifying all required Employees have a WWCC, recording WWCC information and ensuring that only Employees with a valid WWCC are involved in SOH's Child-related work.
- If required, verifying WWCC details of third parties/contractors engaged by SOH to deliver Child-related work.
- When required, providing information and advice to Workers regarding Child safety matters at SOH, including the employment of Children and Child safety complaint processes.
- Managing records of Child safety complaints in accordance with this Policy and SOH's *Records Management Policy*.
- Supporting the delivery of SOH's Child safety training by the Organisational Development & Learning team.

6.4. **Organisational Development & Learning Manager** is responsible for:

- Managing and delivering SOH's Child safety training programs.
- Regularly reviewing and improving Child safety training.
- Monitoring and tracking Employee completion of Child safety training.

6.5. **Executive Director, People & Government** is responsible for:

- Monitoring compliance with this Policy, supporting procedures and training requirements and leading their continuous improvement through regular reviews.
- Leading investigations into Child safety complaints at SOH, including reported breaches of this Policy, and supporting procedures.
- Responding to Child safety reports and allegations in accordance with SOH's *Child Safety Procedure*.
- Escalating Child safety complaints in accordance with SOH's *Child Safety Complaints Handling Procedure*, including reporting complaints to the relevant authorities.

6.6. **Executive team** is responsible for:

- Ensuring team members within their portfolios are aware of this Policy and supporting procedures and have adequate resources to implement them.
- Providing support and guidance on the implementation of this Policy to the Senior Leadership Team.
- If required, investigating reports of Child Abuse in collaboration with relevant teams and referring the matter to the relevant authorities.

7. RELEVANT LEGISLATION

- Anti-Discrimination Act 1977 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015 (NSW)
- Children and Young Persons (Care and Protection) Regulation 2012 (NSW)
- Children's Guardian Act 2019 (NSW)
- Civil Liability Act 2002 (NSW)
- Crimes Act 1900 (NSW)
- Disability Inclusion Act 2014 (NSW)
- Public Sector Management Act (NSW)
- Privacy Act 1988 (Cth).

8. SOH SUPPORTING DOCUMENTS

- Child Safety Procedure
- Child Safety Complaint Handling Procedure
- Child Safety Summary – Employment of Children
- Code of Conduct
- Delegations of Authority Manual
- Diversity Inclusion and Belonging Strategy (2021-23)
- Incident Reporting and Investigation Procedure
- Privacy Management Policy and Plan
- Records Management Policy

- Respectful Workplace Behaviour Policy
- Risk Management Policy
- SOP 03.35: Responding to Lost Vulnerable Persons

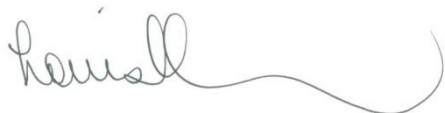
9. EXTERNAL SUPPORTING RESOURCES

- Child Safe Policy, NSW Office of the Children's Guardian
- Child Safe Code of Conduct, NSW Office of the Children's Guardian
- Guide to the Child Safe Standards, NSW Office of the Children's Guardian
- National Principles for Child Safe Organisations
- United Nations Convention of the Rights of the Child (1990).

Version History

Version	Approved by	Approval date	Effective date	Sections modified
1.0	Chief Executive Officer	06/06/2023	12/09/2023	New policy

APPROVED



Chief Executive Officer
Date 06/06/2023

APPENDIX A – CHILD SAFE CODE OF CONDUCT

SOH Workers must observe the following codes of behaviour in relation to working with Children they encounter at SOH Premises or Workplaces.

1. REPORTING A BREACH OF THE CODE OF CONDUCT

All workers, children and families are encouraged to speak up if they have concerns about the safety of children. Complaints about a breach of this Code of Conduct **must** be reported to the relevant manager/supervisor or the Executive Director, People & Government.

Refer to SOH's *Child Safety Complaints Handling Procedure* for guidance on reporting obligations in the event of a breach of this Code of Conduct.

2. PROFESSIONAL BOUNDARIES

Workers must:

- ✓ Ensure all children receive equal attention and opportunities (no favouritism).
- ✓ Ensure all activity and communication occurs within the scope of their role and responsibilities.

Workers must not:

- ✗ Spend time alone with a child.
- ✗ Provide unauthorised transportation.
- ✗ Develop close personal relationships with children outside of SOH programs.
- ✗ Accept invitations to attend private social functions of children and/or their families.
- ✗ Buy gifts or other items for children without authorisation from a manager and the knowledge of parents/guardians.
- ✗ Provide children with alcohol, drugs, tobacco, or pornography.
- ✗ Be under the influence of any alcohol, illicit drugs, medication, or fatigue that may affect their capacity to perform their role.
- ✗ Permit bullying between children.
- ✗ Give a child special attention or isolate them from peers to engage in inappropriate behaviour.

3. COMMUNICATION

Workers must:

- ✓ Listen to and respect what children have to say.
- ✓ Value ideas and opinions of children.
- ✓ Talk to children in a professional and supportive manner.
- ✓ Use positive language that creates a fun and inclusive environment.
- ✓ Promote friendships and encourage children to support their peers.
- ✓ Encourage children to have positive friendships with other children.
- ✓ Communicate with children and their families only through authorised SOH channels for example by work email or telephone.

Workers must not:

- ✗ Single out a child in a humiliating manner.
- ✗ Use abusive, derogatory, offensive, threatening or sexual language when communicating with a child.
- ✗ Engage in unauthorised contact with a child online.
- ✗ Have open discussions about inappropriate adult themes in the presence of children.
- ✗ Use a computer, mobile phone, camera, or other device to exploit or harass a child.
- ✗ Use personal social media platforms to communicate with children or their families.

4. SUPERVISION

Workers must:

- ✓ Ensure all children are always supervised by a suitable and appropriately trained worker.

- ✓ Ensure children aged 15 years and under are always accompanied by a responsible parent/guardian (except for workshops where parents have signed a waiver/consent form and for work experience students).
- ✓ Ensure they remain readily accessible and within the visibility of other workers while with children.

Workers must not:

- ✗ Be alone with children in a direct, unsupervised capacity.
- ✗ Permit a child to go with another parent/guardian without the written consent of the authorised parent/guardian.
- ✗ Take children or groups of children into areas where they are not visible by other workers, or taken into rooms that can be locked.

5. PHYSICAL CONTACT

Workers must:

- ✓ Seek consent from a child prior to using physical contact.
- ✓ Use non-intrusive touch to comfort a child who is upset or to encourage a child to participate, e.g. handshake or pat on the back/upper arm.
- ✓ Only use physical contact (without the child's consent) as a last resort to provide first aid or in situations where there is a risk of injury to a child or others. Prior to physically intervening, the worker should use other strategies such as communication and presence.

Workers must not:

- ✗ Hug a child in a private setting, or when it is not wanted by the child.
- ✗ Perform acts that are of a personal nature with a child, if the child is capable of doing so themselves such as changing clothes and going to the bathroom.
- ✗ Touch a child in areas of a sexual nature such as the breasts, buttocks or genitals.
- ✗ Use intrusive forms of discipline such as smacking, hitting, slapping or kicking.
- ✗ Allow a child to smack or hit another child.
- ✗ Initiate, permit or request unacceptable physical contact with a child, such as massages or kisses.
- ✗ Facilitate situations that result in unnecessarily close physical contact with a child, e.g. tickling.
- ✗ Threaten to hurt a child through words or gestures.
- ✗ Use hostile force towards a child.

6. USE OF PHOTOGRAPHIC AND VIDEO DEVICES

Workers must:

- ✓ Obtain informed consent from the child's parent/guardian before taking photographs and videos of children.
- ✓ Explain clearly to the parent/guardian how SOH will use authorised photographs or videos.
- ✓ Seek consent from the child and their parent/guardian prior to posting a photograph or video on the online environment.
- ✓ Ensure photographs or videos taken do not include other children (who have not provided consent), especially where the individual can be identified.
- ✓ Report inappropriate photography/videoing to the relevant managers/supervisors or Security Officers.

Workers must not:

- ✗ Use a computer, mobile phone, camera, or other device in a way that is inconsistent with SOH's *Child Safety Policy* and supporting procedures.
- ✗ Share personal information, including photographs of children without the informed consent of the parent/guardian.
- ✗ Tag a child in a photograph on social media platforms such as Facebook.
- ✗ Use photographic or video devices in dressing rooms and toilets. Cameras and mobile phones cannot be taken out of a bag or the like in these areas.
- ✗ Expose a child to pornography or other indecent material.
- ✗ Possess or create child abuse material.

7. ACCESS TO TOILETS / DRESSING ROOMS

SOH adopts the following guidelines in relation to the use of toilets to ensure the safety of children:

- ✓ Children 7 years and under may enter toilets that align with the gender identity of their accompanying parent/guardian or SOH workers (minimum 2) in the absence of a parent/guardian.
- ✓ Children over the age of 7 years should use toilets that align with their gender identity.

Workers must:

- ✓ Ensure adequate supervision of children in dressing rooms, while respecting their right to privacy.
- ✓ Ensure they are supervised by another worker if taking a child to the toilet or a dressing room.
- ✓ Knock or announce themselves before entering toilets or dressing rooms to supervise.

Workers must not:

- ✗ Enter toilets of the gender they do not align with.