



## Sydney Heritage Fleet Child Safety Policy

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| <b>Date adopted by the Board</b>          | 27 <sup>th</sup> April 2021   |
| <b>Replacing policy last dated</b>        | 27 <sup>th</sup> February 2019  |
| <b>Date of latest review and revision</b> | 26 <sup>th</sup> April 2022   |
| <b>Date for next review</b>               | April 2023  |
| <b>Related policies and documents</b>     | Sydney Heritage Fleet's Privacy Policy and related documents<br>Sydney Heritage Fleet's Complaints Policy<br>Sydney Heritage Fleet's Work Health and Safety Policy<br>Sydney Heritage Fleet's Membership and Volunteer Policy<br>Sydney Heritage Fleet's Social Media and Email Policy<br>Sydney Heritage Fleet's Drug and Alcohol Policy |

### 1. Introduction

Sydney Maritime Museum Ltd (trading and hereafter referred to as Sydney Heritage Fleet) acknowledges that contact and working with children is a critical responsibility and that, at all times, children have the right to be safe and protected.

### 2. Purpose

The purpose of this policy is to outline the steps that Sydney Heritage Fleet (SHF) commits to undertaking to:

- ensure that that SHF conducts all activities involving children in a child safe way which is respectful, inclusive and transparent and that promotes children's participation;
- ensure that all involved with SHF act appropriately when around children and know there is no tolerance for any form of child abuse;
- respond expeditiously to any reports of child abuse;
- comply with applicable Commonwealth and State child safety legislation and policy.

### 3. Application

This policy has broad applicability to:

- every member of the SHF staff; and
- all SHF volunteers; and
- other persons engaging in SHF activities, SHF vessels and SHF premises.

Where SHF staff or volunteers have direct and potentially unsupervised contact with children, additional requirements will apply as outlined in sections 7, 8 and 9 of this Policy.

### 4. Definitions

The following key terms are defined in **Appendix 1**:

- Adult
- Child
- Contact with Children
- Child Abuse
- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect
- Exploitation
- Grooming
- Online Grooming
- Child Pornography
- Non Reportable Conduct.

### 5. Applicable Legislation and Policy

Applicable Commonwealth and State child safety legislation and policy is as follows:

- Children and Young Persons (Care and Protection) 1998 (NSW);
- Children and Young Persons (Care and Protection) Regulation 2012 (NSW);
- Child Protection (Working with Children) Act 2012 (NSW);
- Child Protection (Working with Children) Regulations 2013 (NSW);
- Child Protection (Working with Children) Amendment (Miscellaneous) Regulations 2013 (NSW);
- Child Protection (Working With Children) Amendment (Statutory Review) Act 2018;
- Child Safe Standards (NSW)
- Victims Rights and Support Act 2013;
- Ombudsman Act 1974 (Part 3A) (NSW);
- Criminal Code Act 1995 (Commonwealth); and
- Crimes Act 1900 (NSW).

Reference is also made to [Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009–2020](#) and any successor documents.

Implementation guidance can be drawn from the [Child Safety Toolkit](#).

## **6. Risk Management**

The SHF must identify any child safety risks in its activities and programs.

Child safety risks are to be assessed across SHF operations:

- in development of job descriptions;
- in recruitment and screening procedures;
- in activity assessments;
- in SHF consideration of partnership with another organisation.

Risk assessments should:

- identify risks;
- classify any high risk positions, individuals or activities;
- document steps to be taken to reduce or remove risks.

## **7. Working with Children Checks**

All staff and volunteers who have direct contact with children who are not in the care of their parent or legal guardian will undergo a [Working with Children Check](#) undertaken through the NSW Office of the Children's Guardian.

Working with Children Check numbers will be verified and recorded.

Responsibility for ensuring such checks are undertaken rests with the Child Safety Officer (see section 10).

## **8. Additional Screening**

SHF staff members directly responsible for managing and delivering any child-focused activity will be required to have a Police Check.

## **9. Child Safety Code of Conduct**

The SHF seeks to clarify acceptable behaviour in order to enhance the safety and wellbeing of the children and young people accessing its program, and to protect staff, volunteers and the organisation. To this end, the SHF had a Child Safety Code of Conduct specifically for staff, volunteers and any other person associated with SHF who, through their activities with the SHF, come s into contact with children who are not under the direct supervision of their parent or legal guardian.

The Child Safety Code of Conduct must be explained and discussed with all new staff and volunteers, who need to read and sign the code before commencing. See **Appendix 2** for SHF's Child Safety Code of Conduct.

In addition to the Child Safety Code of Conduct, SHF members commencing engagement with any youth related activities will be required to complete a Child Safety Policy Questionnaire that will be provided to them in conjunction with the Code of Conduct.

NOTE: the Child Safety Code of Conduct is in addition to any other code of conduct required of staff and/or members of the SHF.

## **10. Child Safety Officer**

The SHF will have a designated Child Safety Officer who is appointed by the SHF Board and who acts as their delegate on all matters pertaining to child safety.

The Requirements and Responsibilities of the Child Safety Officer are set out in **Appendix 3**.

## **11. Response Procedures**

The guiding principles in relation to responding to concerns about a child's safety and welfare are set out in **Appendix 4**.

## **12. Alcohol and Drugs**

Sydney Heritage Fleet recognises that the use of alcohol and drugs by staff and volunteers can impact on the safety and well-being of the children and young people accessing SHF activities, the integrity and professionalism of SHF, and the degree to which staff and volunteers behave as appropriate role models.

Staff and volunteers therefore must:

- not attend any child orientated activity if under the influence of alcohol or drugs;
- not possess, supply or use alcohol or illegal drugs during the running of any activity involving children.

## **13. Social Media**

Sydney Heritage Fleet recognises that social media can pose a threat to the safety and wellbeing of children.

Staff and volunteers therefore must:

- not seek to establish social contact with children participating in SHF activities outside of their SHF duties, including on social media.
- not publish photographs of children participating in SHF activities on their personal accounts
- not photograph or publish photographs of a child or children on SHF accounts without written consent from the child's/children's parent or legal guardian.

## APPENDIX 1:

### Definitions

For the purpose of this policy:

|                       |  |
|-----------------------|--|
| Adult                 | A person aged 18 years or more   |
| Child                 | A person under the age of 18   |
| Contact with Children | Working or participating in an activity that involves contact with children, either under the position description or due to the nature of the work environment  |
| Child Abuse           | Any one of the following forms abuse committed against a child: <ul style="list-style-type: none"><li>• physical abuse</li><li>• sexual abuse</li><li>• emotional abuse</li><li>• neglect</li><li>• exploitation</li></ul>   |
| Physical Abuse        | When a person intentionally injures or threatens to injure a child or young person. The injury may involve: slapping, kicking, punching, shaking, burning, shoving, grabbing, pinching, biting, strangling or any other form of behaviour causing physical injury. Physical abuse can also involve a situation where a child's safety is not being adequately assessed, leading to the child being placed in a situation of extreme physical danger  |
| Sexual Abuse          | When a person uses their power over a child to involve them in sexual activity. Sexual abuse covers a wide range of sexual activities including both contact and non-contact situations. Contact situations can involve fondling of the child or young person's genitals, being forced to touch somebody else's genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object. Non-contact abuse can involve obscene calls or remarks made in any written form. It involves exposure to pornography or being photographed for pornography |
| Emotional Abuse       | A consistent attack on the child's self-esteem to the extent that it is affecting the child's physical, emotional, social and/or intellectual development. It can take the form of rejection, put-downs, intimidation, threats, frightening or isolating the child or young person   |
| Neglect               | Where a child's basic daily needs are not being met and this is risking their health and development. It can involve a lack of food, clothing, personal hygiene, shelter, medical treatment or appropriate supervision. In the case of SHF activities, this can also include failure to provide adequate protection from sun, heat, cold or rain   |

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| Exploitation           | <p>One or more of the following:</p> <ul style="list-style-type: none"> <li>• committing or coercing another person to commit an act or acts of abuse against a child;</li> <li>• possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material;</li> <li>• committing or coercing another person to commit an act or acts of grooming or online grooming</li> </ul>  |
| Grooming               | Behaviour that makes it easier for an offender to procure a child for sexual activity.  |
| Online Grooming        | The act of sending an electronic message with indecent content to recipient who the sender believes to be under the age of 16, with the intention of procuring the recipient to engage in or submit to sexual activity with another person including but not necessarily the sender   |
| Child Pornography      | Any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of a child's anatomy for primarily sexual purposes  |
| Non Reportable Conduct | <p>This includes:</p> <ul style="list-style-type: none"> <li>• conduct that is reasonable for the purposes of the discipline, management or care of Children, having regard to the age, maturity, health or other characteristics of the Children and to any relevant codes of conduct or professional standards; or</li> <li>• the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.</li> </ul> <p>Examples of conduct that constitute as Non Reportable Conduct include (without limitation):</p> <ul style="list-style-type: none"> <li>• touching a child in order to attract their attention, to guide them or to comfort a distressed child;</li> <li>• an educator raising his or her voice in order to attract attention or to restore order in the classroom; and</li> <li>• conduct that is established to be accidental.</li> </ul> |

## **APPENDIX 2:**

### **SHF Child Safety Code of Conduct**

Sydney Heritage Fleet (SHF) aims to provide exciting and educational experiences for children while maintaining the utmost regard for their safety. We are committed to creating and maintaining an environment that promotes the safety of all children under the age of 18, including creating a culture where the prevention and reporting of abuse is supported and encouraged. All staff and volunteers are responsible for promoting the safety, wellbeing and empowerment of children.

This Code of Conduct sets expectations for how Sydney Heritage Fleet staff and volunteers should behave around children. This is important to help prevent children from being harmed. Child abuse takes many forms and can include physical, sexual and emotional abuse, ill-treatment and neglect. Our Child Safety Policy provides more information about these different types of abuse.

This Code of Conduct identifies positive child safe behaviours that we encourage all adults to support. It also identifies behaviours we consider unacceptable or concerning. Concerning behaviours may not constitute a breach of the Code of Conduct but together may indicate a pattern of behaviour that poses a risk to the safety of children.

#### **I will:**

- treat all children and young people with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status
- take all reasonable steps to protect children from abuse
- report concerns about risks to child safety including any breach of this Code of Conduct, any concerns, allegations or disclosure of child abuse, medical events or injuries or equipment malfunction and security breaches
- adhere to all relevant Australian and NSW legislation and SHF Child Safety Policy and other policies and procedures
- before photographing or videoing a child or group of children, I will ensure that:
  - Sydney Heritage Fleet has obtained written permission from the child's parent or guardian that clearly outlines how the photos and videos will be used
  - the photos and videos present the child in a dignified and respectful manner and not in a provocative or sexual manner
  - there is no identifying personal information about the child or children accompanying the images or videos on any file labels, metadata or text descriptions.

#### **I will not:**

- condone or participate in illegal, unsafe or abusive behaviour towards children including physical, sexual or emotional abuse, exploitation, neglect or grooming
- ignore or disregard any concerns, suspicions or disclosure of child abuse
- use hurtful, discriminatory or offensive behaviour or language with children
- engage in unwarranted and inappropriate touching involving a child
- persistently criticise and/or denigrate a child
- verbally assault a child or create a climate of fear
- use a computer, mobile phone, camera or other device in a way that is inconsistent with the Child Safety Policy
- attend an activity whilst under the influence of alcohol or drugs (illegal drugs or legal drugs that have an impact of a person's cognitive state)
- possess or supply children with alcohol, drugs, tobacco or pornography
- encourage or allow a child to meet me or communicate with me in a private setting including on social media
- enter into or start a relationship with any child under my supervision.

**I understand that the following types of behaviour may be of concern:**

- Being alone with a child in any area of the ship or not in the direct line of sight of other adults when there is no professional reason for doing so.
- Showing favour to one child over others.

All staff and volunteers are encouraged to speak up if they have concerns about the safety of children.

Reports about a breach of this Code of Conduct must be reported as soon as possible to the onsite Youth Program Coordinator unless your concern is about that person in which case contact the Child Safety Officer by email to [childsafety@shf.org.au](mailto:childsafety@shf.org.au).

Staff and volunteers who breach this Code of Conduct may also be subject to disciplinary action which could include termination of their employment or membership of the Sydney Heritage Fleet.

**Please Note:**

An adult in child-related work in an organisation will commit an offence if they know another adult there poses a serious risk of abusing a child, and they have to power to reduce or remove the risk and they negligently fail to do so.

All adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child has been abused.

\* \* \*

**I have read this Code of Conduct and completed the Self-Test Questionnaire.**

**I agree to abide by this Code of Conduct and its terms.**

Name

Signature

Date

## **APPENDIX 3:**

### **Requirements and Responsibilities of the Child Safety Officer**

The Child Safety Officer must:

- have been fully screened through Working With Children and Police Checks;
- have undergone training on child abuse and creating a child safe organisation to fulfil this role;
- attend further training as appropriate and take proactive steps to be kept informed of developments in the field of child abuse prevention;
- ensure all those involved in relevant SHF activities are aware of all policies and procedures connected with the SHF Child Safety Policy;
- oversee recruitment of staff and volunteers to ensure full compliance with this policy and that all required checks are undertaken;
- monitor activities to ensure they are child safe and compliant with this policy and applicable child safety laws;
- be the first contact point for anyone involved with the SHF who has a concern about the actions of a SHF staff member or volunteer in relation to child safety;
- respond appropriately (see section 11) to any reports or concerns about child abuse;
- confidentially document minor concerns about child safety that could build into an overall concerning picture. Make sure any records are kept strictly confidential and include date and signature;
- proactively promote a culture at the SHF that is a welcoming, secure and supportive environment so children and young people will feel comfortable in expressing any difficulties or concerns they may have;
- oversee the annual review and changes to the policies and procedures connected with the SHF's Child Safety Policy;
- arrange training needed in relation to child safety or protective behaviours for staff and volunteers involved with SHF's children's programs.

## APPENDIX 4:

### **Guiding Principles and Procedures for Responding To Concerns about a Child's Safety and Welfare**

Sydney Heritage Fleet recognises that any allegation of abuse involves:

- the right of the child /young person to be listened to, protected and supported;
- the right of the child/young person and their families to have their concerns acted on;
- the right of the alleged perpetrator to a fair process;
- everyone's right to privacy;
- Sydney Heritage Fleet's legal obligations in relation to mandatory reporting.

Further, Sydney Heritage Fleet recognises its obligation in response to any allegation of abuse to:

- act fairly and without bias;
- conduct an investigation without undue delay;
- ensure the case is not investigated or determined by someone with a conflict of interests;
- ensure the outcome is supported by evidence;
- ensure that all records pertaining to the matter are stored securely and treated as strictly confidential.

All SHF staff and volunteers are responsible for reporting allegations or suspected incidents of child abuse or breach of the Child Safety Code of Conduct.

All allegations of child abuse must be reported as soon as possible to the Child Safety Officer:  
[childsafety@shf.org.au](mailto:childsafety@shf.org.au).

When the Child Safety Officer becomes aware of an incident of:

- child abuse, or what might reasonably be suspected to be child abuse, through disclosure by a child, staff member, volunteer or any third party and/or by direct observation; and/or
- a breach or possible breach of the Child Safety Code of Conduct;

... the Child Safety Officer must immediately contact the President who will designate a Board Member plus someone with Child Safety expertise to assess the situation and determine the appropriate course of action. Depending on the nature of the action or breach, the action might involve:

- contacting the parents of the child(ren) affected;
- contacting the leader of the group with whom the child(ren) came;
- contacting relevant child safety authorities and/or the police;
- immediate dismissal of the staff member;
- immediate termination of a volunteer's membership of Sydney Heritage Fleet;
- counselling the staff member or volunteer.

While the matter is being investigated, the person against whom allegations have been made should not work in a position where they have contact with children. This course of action should not be seen as a determination of guilt and should not influence the findings of the matter in any way.

During an investigation, all discussions and actions will be documented and, in the case of meetings, the record of those meetings will be signed by those present.

In cases where a matter of a minor nature is brought to the attention of the Child Safety Officer, this should be confidentially documented as it could build into an overall concerning picture.

If, after the matter is investigated, any party has concerns about the finding, they should address these findings to the President of Sydney Heritage Fleet who will seek independent legal advice.

Sydney Heritage Fleet will develop complementary guidelines that set out procedures for supporting:

- staff or volunteers against whom allegations have been made;
- children involved in an investigation;
- parents who have complained about an employee or volunteer;
- all staff who have been involved in the investigative process, including those who have been involved in reporting the matter.

For the purposes of child safety, relevant agencies include:

- **The Office of the Children’s Guardian** is responsible for, *inter alia*, conducting Working with Children checks, offering training, developing guidelines and supporting compliance.
- **Community Services (part of the NSW Department of Communities and Justice)** is the agency to which concerns about the welfare of a child should be reported. Some people are in positions where they are bound by law to report concerns (mandatory reporters). Such positions include teachers, doctors, nurses, social workers and youth workers, workers in child care centres and refuges and the police. Any other person can report concerns about the welfare of a child to the 24 hour Child Protection Helpline.

**In the case of suspected abuse or neglect, the concern should be reported to the Child Protection Helpline on 132 111. The online [Mandatory Reporter Guide](#) provides guidance to anyone who is unsure whether the concern reaches the threshold for reporting to the Helpline.**

- **The NSW Ombudsman** supervises the complaints process of all State and local government agencies as well as schools, child care centres and agencies providing out of home care. Its focus is on allegations of abuse or neglect by these agencies.
- **NSW Police Force** investigates criminal offences and works with other child protection agencies.