



CW005 Child Safe Policy

Application

CuriousWorks is committed to the protection of all children from all forms of harm. In particular, the safety and wellbeing of the children involved in CuriousWorks' programs are of paramount concern. CuriousWorks also supports the rights and welfare of all our workers and encourages their active participation in creating safe and respectful workplaces whilst on assignment or during travel.

This policy provides guidance to workers and the organisation on the acceptable behaviours and appropriate boundaries when working with children.

Section 1 – Definitions

Child or Children: A child is regarded to be any person 17 years and under, regardless of the age of consent locally.

Worker: For the purposes of this document, a Worker is defined as:

- any CuriousWorks employee whether permanent, temporary, full-time, part-time or casual, *and*
- any contractor, consultant, volunteer, intern and anyone who works in any other capacity for CuriousWorks.

Child-related Work & Working with Children: There are statutory definitions for what is and is not Child-related Work (see <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/who-needs-the-check>). Not all Workers will engage in Child-related Work, but many roles involve Working with Children.

For the purposes of employment at CuriousWorks, a role is Working with Children where it involves:

- Supervising, directing or instructing children; *or*
- Physical, face-to-face or direct tele/online contact with children; *or*
- Accessing confidential information about children

This is regardless whether or not the work is Child-related Work; whether or not the Worker will be supervised; *or* whether or not the Worker will be working in the presence of other adults.



Section 2 – Working with Children Code of Conduct

CuriousWorks workers will:	CuriousWorks workers will not:
<ul style="list-style-type: none"> √ Treat every child with dignity and respect, with sensitivity to each child’s individual personality, needs, circumstances, background and identity; √ Conduct themselves in a professional manner in all interactions as a positive role model to children; √ Comply with supervision and monitoring requirements of their activities; √ Be observant of interactions (including online and mobile) with and between children, and between other Workers and children; √ Immediately act on and raise any concerns for the safety or wellbeing of a child in accordance with this Policy and the CuriousWorks Complaint Procedure (CW013); √ Listen to children, encourage children to express their opinions, take their concerns seriously and allow them to have a say in the decisions that affect them; √ Inform children of interactions with them and the purpose of these interactions, and obtain prior authorisation and permission from CuriousWorks and the child’s parents/guardians for these interactions. 	<ul style="list-style-type: none"> × Engage in any behaviour or activity that is damaging to a child’s physical and psychological wellbeing; × Do things of a personal nature that a child can do for them self in private, such as assistance with toileting or changing clothes; × Behave in overly familiar affection with children; × Have unauthorised contact with children outside of work obligations; × Condone, nor allow to continue, the behaviour and activity of children that is unsafe, inappropriate, or harmful to themselves and to others; × Act in a way that shows unfair treatment of children, including marginalising or favouring particular children; × Photograph, record, video, or obtain personal information of a child, nor disclose or share such material, without the consent of the child and their parents/guardians.

Any breach of this Code of Conduct will result in disciplinary action, including up to termination of employment or engagement with CuriousWorks, in addition to reporting to appropriate authorities.



Section 3 – Working With Children Check (WWCC)

3.1 Minimum Requirements for Workers

The NSW Working With Children Check (WWCC) applies only for Child-related Work, but provides a valuable risk management mechanism for Workers who are Working with Children, to be adopted by CuriousWorks above and beyond the minimum statutory requirements.

The Worker is:	Minimum Requirement at CuriousWorks		
	Resident in NSW	Resident outside NSW	International visitor
A parent, guardian or an authorised carer of the child/children, who will not be Working with Children except with that child/those children	Exempt		
A child (see this Policy Section 4 - Employment of Children)			
Not Working with Children in any way.			
<ul style="list-style-type: none"> ➤ Working with Children, <i>and</i> ➤ In Unpaid role 	NSW WWCC class V (for unpaid work)	Valid possession of their residential jurisdiction’s WWCC equivalent *	NSW WWCC class V
<ul style="list-style-type: none"> ➤ Working with Children, <i>and</i> ➤ In Paid role for less than 5 days’ total in a 3-month period* 			
<ul style="list-style-type: none"> ➤ Working with Children, <i>and</i> ➤ In Paid role for more than 5 days’ total in a 3-month period* 	NSW WWCC class E (valid for Paid & Unpaid work)		

* Statutory exemption allows 5 days per calendar year (NSW) and 30 days per calendar year (Interstate). CuriousWorks adopts a blanket class V check minimum, along with a “5 days per 3 months” exemption limit adopted from NSW Health interstate workers industry requirements.

3.2 WWCC Procedure:

	Responsibility of CuriousWorks	Responsibility of Workers
Pre-employment	<ul style="list-style-type: none"> • Inform prospective Workers that their role is, or is not, Child-related Work. • Inform the Worker of this Policy, and how they shall meet the requirements of this Policy: do they require an NSW WWCC, and what class? 	
	<ul style="list-style-type: none"> • Verify that the WWCC of Worker is cleared or in application at the required class, or any bars in place. 	<ul style="list-style-type: none"> • Provide evidence of a WWCC number or application. • Provide Full Name and Date of Birth for verifying the clearance
During employment	<ul style="list-style-type: none"> • Notify a Worker if CuriousWorks is informed of a change in WWCC status, including interim and final bars. • Retain WWCC records for the duration of, and at least 7 years after terminating, the employment of the Worker. 	<ul style="list-style-type: none"> • Maintain their own WWCC clearance status, and inform CuriousWorks of any changes to this status, including interim and final bars.
	<ul style="list-style-type: none"> • Inform Workers if their role changes to include Child-related Work • Inform Workers if their role changes that would require a different WWCC status or class 	<ul style="list-style-type: none"> • Not to participate in activity where they are not authorised to work.



3.3 Outside NSW

Prior to any activity outside NSW, CuriousWorks shall be aware of, and adjust to, local jurisdiction requirements for Child-related Work.

3.4 CuriousWorks as a supplier

CuriousWorks shall inform relevant clients about CuriousWorks' Child Safe policies and procedures, and request from the client their policies and procedures for working with children, to ensure mutual compliance and understanding by parties prior to undertaking activities as a supplier.

CuriousWorks shall not commence nor continue supplying to any client whom CuriousWorks deems does not meet the level of protection for children equivalent to or above this Policy.

Section 4 - Employment of Children

CuriousWorks shall ensure that the employment of children:

- Prioritises its charitable objects (for example, providing employment opportunities to members of the communities serviced)
- Shall only occur with the written informed consent from their parents or guardians;
- Shall be in line with local jurisdiction and award conditions;
- Are for roles where the child has adequate skills and experience;
- Occurs in work spaces that are safe for the child's physical, mental, and emotional safety;
- Complies with relevant industry standards.

4.1 NSW regulations for entertainment work

For paid employment of children 16 years and under in entertainment (including recorded work), exhibition, still photography, door-to-door sales, or modelling (including publicity) in NSW:

CuriousWorks must:

- comply with requirements for, or seek exemptions from, obtaining an *Authority to Employ Children* <https://www.kidsguardian.nsw.gov.au/children-s-employment/apply-for-an-authority-to-employ-children-in-nsw>
- comply with the Code of Practice <https://www.legislation.nsw.gov.au/#/view/regulation/2015/782/sch1>
- provide a pre-employment notification to the Office of the Children's Guardian **7 days** before employment of the child commences <https://www.kidsguardian.nsw.gov.au/children-s-employment/supplying-production-information>
- develop and distribute a code of conduct (this Policy)



- develop and distribute an information sheet to parents of the employed child (available at <https://www.kidsguardian.nsw.gov.au/children-s-employment/information-for-parents>)

4.2 Third-party employer of children

A third-party entity may be the actual employer of children working in collaboration with CuriousWorks, such as:

- Performer agents supplying child performers;
- Students (under auspice by their institution) employing children for projects.

CuriousWorks shall ensure that the employing entity has a registered *Authority to Employ* (if incorporated or under auspice), or a valid *WWCC* (if individual), before engaging with the entity.

CuriousWorks shall inform the entity of CuriousWorks' Child Safe policies and procedures, and request from them their policies and procedures for working with children, to ensure mutual compliance and understanding by parties prior to undertaking activities as a project partner.

CuriousWorks shall not commence nor continue engaging with any entity whom CuriousWorks deems does not meet the level of protection for children equivalent to or above this Policy.

Section 5 – Risk Management, Record Keeping & Reporting

CuriousWorks shall assign two contacts at CuriousWorks, one of them being the CEO, to oversee and act on matters related to Working with Children. These two contacts are registered with the NSW Office of the Children's Guardian as CuriousWorks' organisation contacts.

5.1 Risk Management

CuriousWorks shall:

- Ensure that child safety is always a distinct consideration within the organisation's and projects' risk management procedures;
- Promote child safety as an organisational commitment
- Establish thorough recruitment and selection procedures for new Workers with regard to the risk and responsibility profile of the role;
- Ensure Workers regularly review and acknowledge their understanding of this Policy, and receive up-to-date training on child safety best practices relevant to their role;
- Have insurance in place for paid and unpaid Workers who are children.



5.2 Record Keeping

The two contacts shall be responsible for record keeping duties, including:

- Liaising with the NSW Office of the Children's Guardian and similar reporting authorities;
- Implementing WWCC procedure (this Policy Section 3.1);
- Maintaining documents relevant to employment of children;
- Maintaining records of complaints and reports.

5.3 Complaints and Reporting

Workers may raise any concerns or complaints they have in the course of their work with their supervisor, or to the CEO directly if the concern involves the supervisor. Refer to Complaint Procedure (CW013).

5.4 Mandatory Reporting Procedure

CuriousWorks is not a Mandatory Reporter. However, the Mandatory Reporting procedures shall be adopted as a standard procedure at CuriousWorks.

Where there are reasonable grounds to suspect that a child is at risk of significant harm, CuriousWorks recommends that Workers use Mandatory reporting guide as a decision-making tool for reporting and, if reporting is required, to seek advice from CEO for further action.

Where possible, the child should be involved in the decision to report. Where the child does not wish to report, but there are reasonable grounds to do so, this should be indicated when making the report.

Workers shall also inform their supervisor if a report has been made, which must be escalated immediately to the CEO, or to the CEO directly if the situation involves the supervisor. If the appropriate external authority has not yet been contacted, the CEO shall make the report.

Significant harm is any harm that is not minor or trivial, and may include:

- Physical abuse or ill-treatment
- Sexual abuse
- Physical or psychological harm, including exposure to violence
- Neglect - basic needs, including medical care, are not being met

Indicators of harm may include:

- a child disclosing,
- someone else advising on reasonable grounds,



- direct observation of evidence, conditions or behaviours; that the child has suffered or is suffering from non-accidental injury or abuse

Workers should consult the [Mandatory Reporter Guide](#), a decision-making tool to determine whether a concern is significant or not to report.

If the child protection service or the police decide to conduct an investigation of this report, all Workers must co-operate fully with the investigation.

The CEO will make every effort to keep any such investigation confidential; however, other Workers may need to be consulted in conjunction with the investigation. Where the complaint or report involves a Worker, the CEO will seek advice from the Management Committee on course of action.

5.5 Process for Workers with interim or final bar

A Worker who continues to work in Child-related Work while under any bar is committing an offense. The Worker must notify CuriousWorks immediately if a bar is in place. CuriousWorks must immediately remove any Worker with a bar from any Child-related Work until such a bar expires. The CEO shall refer the matter to the Management Committee to consider the effect on the employment conditions of the Worker.

5.6 Privacy

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

5.7 External reporting contacts Reporting concerns of significant harm to a child or children

Reporting concerns of significant harm to a child or children	NSW Child Protection Helpline: 132111 Translation and Interpreting Service: 131450 then ask to speak to Child Protection
Urgent concerns	Emergency Services: 000 for Police and Ambulance
Child-friendly helpline	National Kids Helpline: 1800 55 1800
NSW WWCC and Authority to Employ children	Office of the Children's Guardian (02) 8219 3600 https://www.kidsguardian.nsw.gov.au/



Section 6 - Communicating this Policy

This Policy shall be communicated by:

- Implementing the WWCC procedure in this Policy for all new and existing Workers.
- A “Curious Creators” handbook for all artists and volunteers
- Presenting this Policy in full to all Employees, and made available on CuriousWorks’ website
- Monthly recording-keeping checks for expiring WWCC clearances
- Providing training opportunities to Workers in line with industry updates
- Policies and procedures presented in plain English – such as e-reminders with links to this Policy
- Ensuring the workplace is maintained as a trusted space to communicate concerns and enable disclosure

Review

This Policy version was approved by the Management Committee on **20/11/2018** and was reviewed on **24/06/2020**. It shall be reviewed every two years, and following any Mandatory Reporting incident.

Legislation

Child Protection Working with Children Act 2012 [NSW]

Child Protection Working with Children Regulation 2013 [NSW]

Child Protection Working with Children Amendment Miscellaneous 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]