

# Phunktional Arts

## Child Safe Policy and Commitment to Child Safety

---

Phunktional Arts is committed to child safety, following the principles outlined in the 2019 National Principles for Child Safe Organisations by the Australian Human Rights Commission.

These are:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

## 1. Scope

This policy applies to any adult person (18 years of age or older) engaged by Phunktional Limited (Phunktional) that may work or interact with children at any time including:

- employees (permanent and casual):
  - leadership and management roles
  - administration
  - education instructors and youth workshop facilitators
  - production and venue personnel (actors, stage management, chaperones, technical crew, ushers, etc.)
- volunteers
- contractors and sub-contractors
- tutors
- work experience students/interns/secondments
- any other individual in the organisation that may deal with children
- board members.

(Note: In this Policy, the term “employee” is used to cover all persons occupying any position listed above.)

A child includes children and young people up to the age of 18 (unless otherwise specified).

## 2. Commitment to Child Safety

All children working with or engaged by *Phunktional* have a right to feel and be safe, respected, valued, and protected from harm. Children should be made aware of and feel confident in their rights and responsibilities.

*Phunktional* is strongly committed to the safety and wellbeing of all children that interact with our organisation as employees, artists, tutors, education program participants, or otherwise by creating and maintaining a child safe environment. The welfare of children entrusted under our care is our first priority.

Phunktional believes that all children have the right to be safe and feel safe.

Phunktional recognises that the safety and wellbeing of children is everyone's responsibility.

Phunktional has zero tolerance toward child abuse and neglect.

Phunktional supports the participation and empowerment of children.

Phunktional commits to providing a safe environment for all children.

Phunktional commits to implementing the National Principles for Child Safe Organisations (National Principles) and providing the appropriate resources to do so.

### **3. Legislative, Regulatory and Policy Context**

Phunktional aims to uphold and support the following requirements, guidelines and principles in its endeavour to provide a child safe environment for all children.

#### **The Royal Commission into Institutional Responses to Child Sexual Abuse**

In 2017, the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) tabled both general and specific recommendations for institutions that provide care and support to children.

A range of legislative changes were recommended following the conclusion of the Royal Commission. As a result, a number of states and territories have implemented or are in the early stages of implementing legislative reform to better reflect the recommendations of the Royal Commission.

#### **National Principles for a Child Safe Organisation**

Following the conclusion of the Royal Commission, the National Principles were tabled on 19 February 2019. The Council of Australian Governments (COAG) endorsed these principles with a view to future national consistency in relation to child safety standards.

The 10 principles provide a framework for ensuring organisations can detect and respond to child safety concerns and more effectively prevent risk from occurring.

#### **Duty of Care**

Organisations that work or interact with children and young people have an obligation to ensure processes are in place to avoid acts or omissions that place children in circumstances that may lead to harm.

*Phunktional* will:

- Ensure that all reasonable steps are taken so that children are safe from child abuse and that they feel safe at all times.
- Enable all employees of *Phunktional* to understand their role and responsibility in protecting the safety and wellbeing of children. That is, to ensure that employees who have the power or responsibility to reduce or remove a substantial risk, take steps to reduce or remove any substantial risk that a child will become the victim of child abuse.
- Ensure all employees of *Phunktional* aged 18 and over understand their reporting obligations. That is, to ensure all employees of *Phunktional* aged 18 and over (who are not Mandatory Reporters) who form a reasonable belief that a child abuse offence has been committed by an adult against a child report that information to police.
- Ensure that all employees of *Phunktional* aged 18 and over that directly engage with children have a current Working With Children Check (WWCC).

### **Failure to Protect**

An offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation.

A person in a position of authority in the organisation will commit an offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

### **Failure to Disclose**

The 'failure to disclose' offence applies to adults that have information that leads them to form a 'reasonable belief' that another adult has sexually offended against a child under 16 years of age.

Such adults must report the information to police and/or child protection authority as soon as possible, unless they have a 'reasonable excuse' for not reporting the information or are exempt from the offence. A reasonable excuse may include a fear of safety or the reasonable belief that the information has already been disclosed to appropriate authorities (e.g. police or child protection). It does not include concerns such as damage to reputation or financial status.

## **4. Definitions of Child Abuse**

Child abuse describes an act or omission which results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. This can be a single event or a series of traumatic events. Most instances of child abuse fall under the definition of cumulative harm (repeated acts of harm) and multidimensional harm (multiple types of child abuse). Child abuse can be perpetrated by parents/carers, other adults, or other children and young people. Where sexual abuse is perpetrated by children or young people it is usually referred to as 'sexually harmful behaviour'.

Child abuse, including child harm and neglect, are commonly divided into the following sub-categories:

- physical abuse
- emotional abuse

- neglect
- sexual abuse
- grooming
- exposure to family violence.

### **Physical Abuse**

Physical abuse can consist of any non-accidental infliction of physical violence on a child by any person. Examples of physical abuse may include beating, shaking, burning, assault with implements, and genital mutilation.

### **Emotional Abuse**

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

### **Neglect**

Neglect is the failure to provide for the child's basic needs for life to the extent that the child's health and development are, or are likely to be, placed at risk, including:

- food
- clothing
- shelter
- medical attention
- supervision or care.

There are three different levels of neglect:

- 'Minor' neglect is low-level neglect that is trivial or temporary.
- 'Significant' neglect is medium-level neglect that causes harm to a child that is more than trivial or temporary.
- 'Serious' neglect involves the continued failure to provide a child with the necessities of life, such as food, clothing, shelter, hygiene, medical attention, or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations.

### **Sexual Abuse**

Sexual abuse/harm occurs when a person uses power, force or authority to involve a child in any form of sexual activity. Behaviour that constitutes sexual abuse may include:

- touching or fondling children
- sending obscene or suggestive text messages to children
- exhibitionism and/or voyeurism in front of children
- exposing children to pornographic images

- penetration with a penis, finger or other object into the mouth, anus, or vagina.

Child sexual abuse may not always include physical sexual contact and can also include non-contact offences, for example:

- talking to a child in a sexually explicit way
- sending sexual messages or emails to a child
- exposing a sexual body part to a child
- forcing a child to watch a sexual act (including showing pornography to a child)
- having a child pose or perform in a sexual manner (including child sexual exploitation).

Child sexual abuse does not always involve force. In some circumstances, a child may be manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love, through a process of grooming.

Sexually harmful behaviour in children refers to harmful behaviour perpetrated by a child (17 years of age or younger) to another child. Harmful behaviours in children are often an indicator that they have experienced abuse or neglect. Where sexually harmful behaviour occurs, organisations have a duty of care to both children. Note that in children under 10 years of age, such behaviour is often referred to as sexually problematic behaviour.

## Grooming

Grooming is predatory behaviour designed to prepare a child for sexual abuse. Many perpetrators of sexual offences against children purposefully create relationships with children and young people, their families and carers in order to establish the conditions necessary for them to abuse the child. For example:

- giving gifts or special attention to a child or their parent/carer (this can make a child feel special or indebted to an adult)
- controlling a child through threats, manipulation, force or use of authority (this can make a child scared to report unwanted behaviour)
- making close physical contact, such as inappropriate tickling and wrestling
- openly or pretending to accidentally expose the victim to nudity, sexual material, and sexual acts (this in itself is classified as child sexual abuse but can also be a precursor to physical sexual assault).

Grooming includes online grooming. It occurs when an adult uses electronic communication (including social media) in a predatory fashion to try to lower a child's inhibitions, or heighten their curiosity regarding sex, with the aim of eventually meeting them in person for the purposes of sexual activity.

It is important to note that when instances of grooming occur, other members of the child's community may also be 'groomed'. This allows perpetrators to establish trust and a connection with the child via their support networks, further enhancing the conditions for other forms of child abuse to occur.

## Exposure to Family Violence

Family violence is behaviour by a person towards a family member where the behaviour:

- is physically, sexually, emotionally, or psychologically abusive;
- is economically abusive, which may include property damage, restricting access to financial resources, education or the workforce;
- is threatening or coercive; or
- in any other way controls or dominates the family member and causes that family member to feel fear for their own or another person's safety or wellbeing.

A child can be a direct victim of any of these behaviours. Family violence also includes behaviour that causes a child to hear or witness, or otherwise be exposed to the effects of, any of these behaviours.

## 5. Definitions of harm

### Multidimensional harm

Multidimensional harm occurs when more than one harm type is experienced at the same time – e.g. sexual abuse also involving physical harm and emotional harm at the same time.

### Cumulative harm

Cumulative harm refers to the effects of multiple adverse or harmful circumstances and events in a child's life. Cumulative harm may be caused by an accumulation of a single recurring adverse circumstance (such as unrelenting low-level care), or by multiple circumstances or events (such as persistent verbal harm and belittling, inconsistent or harsh disciplines and/or exposure to family violence).

## 6. Roles and responsibilities

The responsibilities of each role in relation to the development and compliance of *Phunktional's* Child Safe Policy are detailed below.

### Leadership

The Executive/Leadership will:

- Ensure awareness and commitment
  - Advocate and promote children's rights, empowering and engaging children in support of this policy and its expectations.
  - Promote child safe practices, including openness, accountability and continued improvement in identifying, reporting and responding to child abuse, child harm and neglect.
  - Ensure that all employees, volunteers and contractors are aware of their child safe obligations (both legislative and non-legislative).
  - Ensure that all staff are aware of and complete the appropriate recruitment, screening and employment practices in relation to safeguarding children and young people. This includes providing resources, training and advice in the application of this policy and ongoing development of child safe initiatives.
  - Authorise, review and promote commitment to this policy, the Child Safe Code of Conduct, the Child Safe Reporting procedure and other relevant policies and procedures related to safeguarding children both internally and publicly.

- Strategically shape policies and procedures
  - Ensure that policies are shaped by legislation, regulations and organisation learnings, which in turn will promote a change to the policy and all relevant policy or procedural guidelines.
  - Ensure governance and operational level procedures are appropriate, relevant, understood and regularly reviewed in line with organisation processes.
  - Ensure child friendly complaints mechanisms are in place.
- Offer support
  - Support children, families, employees, volunteers and contractors who have identified, responded to, or reported child harm or neglect. Appropriate support could include counselling and formal debriefing.
  - Receive, collate, review and respond to organisational incidents and outcomes (e.g. summary reports/aggregate recording of reports *on a quarterly basis*).
- Ensure continuous improvement
  - Evaluate and analyse complaints, concerns and safety incidents relating to this policy.
  - Monitor, manage, review and continually improve this policy, supporting resources and *Phunktional's* child safe reporting practices in consultation with relevant stakeholders.
  - Monitor compliance with the policy via an inbuilt mechanism for ongoing monitoring and review.
  - Respond to reports and administer external reporting requirements.
  - Ensure adequate resources are allocated to allow for the development, effective implementation, communication and continuous improvement of this policy.
  - Develop opportunities for regular discussion and review at all levels to support a culture of continuous improvement and accountability of keeping children and young people safe from abuse and neglect.

## **Employees, volunteers and contractors**

Employees, volunteers, and contractors will:

- Understand the signs of child abuse, child harm and neglect and how to respond.
- Advocate and promote child rights, empowering and engaging children in support of this policy.
- Undertake any induction and training anticipated in or in relation to this policy, and procedures relevant to safeguarding children.
- Maintain a comprehensive understanding of and comply with the commitments and expectations of this policy, the Child Safe Code of Conduct, the Child Safe Reporting procedure and other relevant policies and procedures related to safeguarding children.
- Seek guidance from a supervisor or manager if there is ever any lack of understanding in relation to the commitments and expectations as set out in this policy.
- Assist in creating and maintaining a child safe culture and a culture of inclusion and safety.
- Support a culture of openness, continued improvement and accountability to children and young people by engaging in regular review and discussion of *Phunktional's* policies and practices and

providing feedback to support improvement.

- Take action to protect children from all forms of abuse and neglect, including by reporting any abuse committed by personnel within *Phunktional* or by others. Where a child is in immediate danger, call 000.
- Support peers and children who have identified, responded to or reported child abuse, child harm, risk of harm, and/or neglect.

## 7. Supporting Children's Participation and Satisfaction

*Phunktional* supports, enables and promotes the active participation of children by:

- encouraging expression of and respecting the views of children and parents/carers
- encouraging and empowering children and parents/carers to raise any concerns or complaints
- listening to and acting upon any concerns raised by children and parents/carers
- seeking the input of children when making decisions about matters that concern them
- ensuring children understand their rights and the appropriate behaviour expected of both adults and children
- ensuring employees dealing with children are skilful in facilitating their participation
- valuing diversity and not tolerating any discriminatory practices.

*Phunktional* aims to create an environment where children gain satisfaction and fulfilment from their interaction with our organisation as employees, participants in a program/workshop, or other activity by:

- supporting children to feel respected and in control of their behaviour/work
- ensuring children enjoy the overall experience of being engaged with a production or other organisational activity
- encouraging children to assist each other in fulfilling their employment obligations and developing a positive sense of pride in their work (e.g. discussing character development and stagecraft in groups and leading warmup activities)
- offering opportunities for children to derive personal satisfaction and a sense of achievement throughout their experience and the relationships they make
- encouraging children to develop self-discipline in balancing their commitment to their performance, their education and their social and family activities.

## 8. Valuing Diversity

*Phunktional* values diversity and we do not tolerate any discriminatory practices.

Our organisation is committed to protecting children engaged with our organisation from physical, sexual, emotional and psychological abuse, as well as neglect and contempt, ridicule, hatred, or negativity towards a child because of their race, culture, religion, gender (including transgender status), sexual orientation or disability.

In our activities with children, we will promote the:

- cultural safety of Aboriginal and Torres Strait Islander children
- cultural safety of children from culturally and/or linguistically diverse backgrounds

- safety of children with a disability
- safety of children and young people who identify as LGBTQIA+
- safety of children who live in out-of-home care.

## 9. Recruitment Practices

*Phunktional* will take all reasonable steps to ensure we engage the most suitable and appropriate people to work with children.

This involves maintaining a rigorous recruitment, screening and selection process.

It is *Phunktional's* policy to:

- develop clear duty statements and job descriptions for roles that involve working with children that state clearly our commitment to providing safe environments for children
- attain and keep a record of Working With Children or criminal history/police checks for anyone with direct and unsupervised contact with children, such as employees designated to supervise or chaperone children
- require compulsory Working With Children Checks for all staff, contractors, students on placement, and volunteers who directly engage with children.

In the event that an employee commences employment with *Phunktional* and fails to provide proof of their Working With Children Check Card, *Phunktional* reserves the right to terminate employment without notice.

In the event *Phunktional* becomes aware of an employee being charged with, convicted of, or found guilty of any relevant offences since having provided their last Working With Children Check, *Phunktional* reserves the right to terminate employment without notice.

The cost of Working with Children Check Renewals is the employee's/volunteer's responsibility.

*Phunktional* will ensure that this policy is adhered to and, on a regular basis, will review its administrative compliance systems in relation to Working With Children Checks.

## 10. Support for Employees

*Phunktional* seeks to support employees by:

- Providing new employees with copies of the organisation's Child Safe Policy, Child Safe Code of Conduct, Child Safe Reporting Procedure, and other relevant policies and procedures.
- encouraging relevant employees to attend periodical information sessions, as they become available, to remain up-to-date with knowledge of child abuse reporting procedures, the nature and signs of child abuse, cultural competency, regulation updates and other matters that affect children
- appointing a Child Safety Officer to be the first point of contact to provide advice and support to employees on the safety and wellbeing of children engaged with the organisation
- ensuring employees feel encouraged and empowered to report any complaints, concerns or perceived risks to child safety to the Child Safety Officer or other relevant management position

- ensuring designated supervisors and chaperones of children that are new to the role work with experienced supervisors sufficiently before working on productions or programs requiring single supervisors.

## 11. Child Safe Code of Conduct

*Phunktional* has developed a Child Safe Code of Conduct to provide guidance to our employees on expected behaviours when in direct contact with or working around children.

All employees must abide by the Child Safe Code of Conduct.

We ask employees who work directly with children to sign a written statement confirming they have read, understood and will comply with the Child Safe Code of Conduct. We retain a copy of all signed statements.

## 12. Communication

*Phunktional* is committed to encouraging employees, children and parents/carers to raise any concerns or provide their views on the wellbeing of children involved with our organisation.

*Phunktional* keeps employees, parents/carers and children informed of our organisation's child safe policies and procedures by:

- ensuring that employees have read, understood, and are aware of their obligation under the Child Safe Policy, Child Safe Code of Conduct, Child Safe Reporting Procedure and any other relevant policies and procedures.
- making relevant documents easily accessible by displaying child safe materials in areas of common traffic, uploading relevant documents to our website, distributing documents to all relevant individuals, and having copies available upon request
- providing children and parents/carers with relevant and accessible child safe materials.

Parents/carers of children employed by *Phunktional* as performers are provided with at least one contact from *Phunktional* that is available to speak with them or to facilitate speaking with their children at any time during periods of work.

We provide parents/carers and child employees with information on:

- the child's expected role, activities, responsibilities and actions during their period of employment
- the child's progress throughout the production and timely notice of schedules
- the rights of parents and children regarding supervision and workplace conditions, as determined by relevant state regulation
- our Child Safe Policy, Child Safe Code of Conduct, Child Safe Reporting Procedure and any other relevant policies and procedures.

Children are encouraged to communicate and ask questions regarding their employment.

### **13. Child Safe Reporting Procedure**

We believe employees, parents/carers and children should feel enabled, empowered and supported to safely raise any concerns or complaints about any perceived risks to a child's safety or signs of abuse.

*Phunktional* has developed a procedure to respond to any complaint of abuse or conduct not in keeping with this Policy and Child Safe Code of Conduct, including means to take disciplinary action or rectify issues when necessary.

### **14. Risk Management**

*Phunktional* takes a preventative and proactive approach to minimising the risk of harm to children. As part of our organisation's WH&S risk management process, we periodically conduct reviews to identify potential risks to the safety and wellbeing of children.

### **15. Breaches of *Phunktional's* Child Safe Policy**

*Phunktional* requires all staff, board members, volunteers, contractors and students on placement to adhere to the Child Safe Policy. Where a breach of policy is identified, *Phunktional* will respond. Those who breach this policy will face disciplinary action, up to and including termination of engagement with *Phunktional*. Serious breaches of this policy and/or its related procedure will be reported to the appropriate authorities.

### **16. Implementation and Review Process**

*The Artistic Director* has been appointed as Child Safety Officer/s, responsible for being the first point of contact to provide advice and support to children, parents/carers and employees regarding the safety and wellbeing of children engaged with *Phunktional*. This includes being the first point of contact for dealing with any complaint of abuse or conduct not in keeping with this Policy and the Child Safe Code of Conduct.

Our Child Safe Policy will be reviewed *every two years* and we will undertake to incorporate feedback from children, parents/carers, employees and any other relevant personnel.

This Policy was approved by Phunktional Limited's Board of Directors on: 12 September 2025.