



**TIM BRAY THEATRE COMPANY**

Administered by The Operating Theatre Trust

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## TIM BRAY THEATRE COMPANY

### Child and Young Person Protection Policy (2021)

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## Considerations and References

This policy has been written with the United Nations Convention on the Rights of the Child in mind and in accordance with the following legislation:

- Care of Children Act, 2004
- Children's Act, 2014
- Crimes Act 1961
- Education Act 1989
- Employment Relations Act 2000
- Family Violence Act 2018
- Health and Safety Act 1956
- Health and Safety at Work Act 2015
- Human Rights Act, 1993
- Oranga Tamariki Act 1989
- Privacy Act, 2020

## Introduction

### ***Statement of Commitment***

Tim Bray Theatre Company values children and young persons and is committed to their safety, security and wellbeing. Tim Bray Theatre Company understands the needs of children and young persons and makes their safety and security a priority. Tim Bray Theatre Company is committed to ensuring the existence of a safe environment for all children and young persons participating in its classes, programmes, activities and events. By having a robust Child and Young Person Protection Policy in place, Tim Bray Theatre Company is demonstrating that it has a commitment to the protection of the children and young persons that it has been entrusted with.

### ***Purpose***

The purpose of this policy is to ensure that Tim Bray Theatre Company ("TBTC") operates in ways which ensure that children and young persons are protected from harm.

This Child and Young Person Protection Policy confirms the commitment of the TBTC to the protection of children and young persons and is designed to support the child and young persons protective practices of all TBTC staff.

This Child and Young Person Protection Policy confirms the commitment of TBTC to the protection of children and young persons and proceeds to:

- Outline the standards and principles by which all TBTC staff will abide;
- Define child and young persons abuse;
- Outline the action to be taken by staff where any form of child and young persons abuse is known or suspected;
- Establish what action is required when allegations are made against TBTC staff;
- Outline expected behaviour of staff;
- Outline TBTC's responsibilities in relation to the safe recruitment of staff.

### ***Guiding Principles***

This policy is written under the principle that all children and young persons coming into contact with TBTC have a right to feel safe and comfortable in that contact.

The decisions and actions of TBTC in response to any child protection will be guided by the principle of "the welfare and best interests of the child and young person".

All services provided by TBTC for the safety and wellbeing of children and young persons adhere to the principles of partnership, protection and participation, and the rights and responsibilities accorded by Te Tiriti o Waitangi.

### ***Review***

This policy will be reviewed annually and updated regularly, to ensure it is kept up to date with changes that may have been made to legislation, related policies and procedures and in light of operation experience.

The overall responsibility for this policy rests with the Designated Child and Young Person Protection Officer.

### ***Scope***

This policy applies to all TBTC staff.

### ***Definitions***

For the purposes of this policy the following definitions apply:

***“Child/ren”*** means any person under the age of 14 years.

***“Child Abuse”*** can involve ongoing, repeated or persistent abuse, or may arise from a single incident. Child Abuse may take many forms, but it can be categorised into four different types:

- i. Physical Abuse
- ii. Sexual Abuse
- iii. Emotional Abuse
- iv. Neglect

***“Designated Child Protection Officer (“CPO”)*** is a person within TBTC who is responsible for the safeguarding of children. This person is responsible for ensuring that child protection is a key focus within TBTC both at a strategic level and on a day-to-day basis.

As at the date of this Policy the CPO for TBTC is the Outreach Manager,  
**Madeleine Lynch**

***“Emotional Abuse”*** is the persistent emotional ill treatment of a child or young person such as to cause severe and persistent adverse effect on the child’s or young person’s self-esteem and emotional development. This can include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorising a child or young person. It may also include age or developmentally inappropriate expectations being imposed on children or young persons and their social competence undermined or eroded over time. A child or young person can also experience emotional abuse by being exposed to a dysfunctional environment which includes seeing or hearing the ill treatment of others, including but not limited to being exposed to domestic violence.

***“Family Violence”*** can take many forms and may include but is not limited to, actual physical violence (to a person, pet or property), threats of physical violence (to a person, pet or property), psychological, economic or sexual abuse, Children and young persons are always affected either emotionally or physically where there is family violence even if they are not personally injured or physically present.

***“Neglect”*** is characterised as the persistent failure to meet a child’s or young person’s basic physical and/or psychological needs. This can occur through direct and deliberate action or by omission or deliberate inaction to care for and/or protect the child or young person. It may also include neglect of a child’s or young person’s basic or emotional needs.

***“Oranga Tamariki – Ministry for Children”*** formerly known as Child Youth and Family, Oranga Tamariki is a Government Ministry dedicated to supporting children and young person sin New Zealand whose wellbeing is at significant risk of harm now, or in the future.

***“Physical Abuse”*** is a non-accidental act that results in physical harm. This includes, but is not limited to, beating, hitting, shaking, burning, drowning, suffocating, biting, poisoning or otherwise causing physical harm to a child or young person. Physical abuse also involves the fabrication or inducing of illness.

***“Sexual Abuse”*** is an act or acts that result in the sexual exploitation of a child or young person, whether consensual or not. Sexual abuse can be committed by a relative, a trusted friend, an associate, or someone unknown to the child or young person. Sexual abuse includes situations where the adult seeks to have the child touch them for a sexual purpose, and where they involve the child or young person in pornographic activities or prostitution.

***“Staff”*** refers to any person working at, for, or on behalf of, TBTC and includes, but is not limited to, persons employed directly by TCBC, irrespective of whether they are paid or voluntary, or whether they are working on a full time, part time, casual or temporary basis, as well as any persons contracted or invited to provide services to TBTC. The term “staff” also extends to TBTC stake holders, trustees and tenants.

***“Young Person”*** means any person over the age of 14 years.

## Roles and Responsibilities of Staff

Sustained abuse and neglect of children and young persons, wherever it occurs, can have major long-term effects on all aspects of children’s and young persons’ health, development and well-being and their ability to maintain sustainable and meaningful relationships in the future. It is the intention of TBYT to ensure that all staff understand their roles and responsibilities in ensuring the safety of children and young persons at all times.

It is the responsibility of staff to be vigilant, have knowledge and awareness of the indicators of neglect, potential or actual abuse and to report any concerns, suspicions or allegations of suspected abuse immediately and ensure that the concern is taken seriously and reported.

TBYT staff must be able to recognise and respond to concerns for the wellbeing of children and young persons. There are a number of ways or situations where concerns might be raised with a member of staff which may not involve a child or young person making a disclosure directly. Staff should, therefore, be alert and aware of the fact that a range of situations could give ride to concerns about child and young person protection.

The statutory responsibility to investigate allegations of child and young person abuse rests with Oranga Tamariki and the NZ Police. No member of TBTC staff,

including the designated CPO is permitted or mandated to investigate allegations of abuse.

### ***Role of the Designated Child and Young Person Protection Officer – Tim Bray Outreach Manager***

The overall responsibility for the implementation of this policy rests with the Tim Bray outreach Manager, in their role as the designated Child and Young Person Protection Officer.

The role of the Designated Child Protection Officer is to:

- ensure that protection of children and young persons is key focus within the TBTC and that appropriate protocols, procedures and training are in place.
- ensure that the needs and rights of children come first – safety and wellbeing of each child and young person is the paramount consideration in all circumstances
- Receive information that suggests potential or actual risk of harm to a child or young person, irrespective of whether the alleged abuse is current, past or likely to occur. The designated Child Protection Officer will advise and support TBTC staff and, where appropriate, will make any referrals to Oranga Tamariki and/or the NZ Police.
- ensure that all allegations are managed appropriately
- ensure that there is no internal investigation without appropriate consultation and a decision whether a response from Oranga Tamariki and/or the Police is required.
- ensure, and safeguard, clear, confidential, detailed and dated records on all child and young person protection cases. These must contain all available information relating to the cause for concern and any subsequent action taken, including when it has been decided not to make a notification to Oranga Tamariki and/or the NZ Police.
- ensure that all staff are aware of, and have access to, full copies of the procedures for reporting child and young person abuse.
- ensure all staff have read and understood the TBTC Child Protection Policy and have acknowledged same in writing.
- be a recognised contact within the TBTC for agencies to contact regarding child and young person protection concerns.
- ensure that all staff are recruited and employed in accordance with the guidelines identified in the TBTC Child and Young Person Protection Policy and that procedures are in place to identify those people safe to work with children and young persons, including, but not limited to, safety checking and Police vetting
- ensure that all staff receive child and young person protection training.

## **Child and Young Person Protection Procedures**

### ***Reporting Procedures***

All concerns or allegations of child or young person abuse must be reported to the designated Child and Young Person Protection Office at the first opportunity

to best ensure the safety of the child or young person. If the designated CPO is unavailable, then consultation should occur with the secondary Child Protection Office and/or Manager. A decision will be made as to whether to notify Oranga Tamariki. If an immediate response is required to ensure the child's or young person's safety, TBTC staff should contact Oranga Tamariki and/or the NZ Police directly.

All concerns or allegations of sexual abuse must be reported to Oranga Tamariki and NZ Police.

When Reporting an incident TBTC staff should:

- Inform the designate CPO as soon as possible (or secondary CPO and/or Manager in their absence)
- Record in writing all conversations and actions taken and keep these records securely in a Child Protection Register.

Effective documentation, including referrals and notifications, must include the following

- A record of facts, including observations, with time and date
- What was said and by whom, using the person's words
- What advice was received and by whom
- What action has been taken, by whom and when

All decisions, including if the concern does not require notifying Oranga Tamariki or the Police, must be recorded in writing and kept securely in a Child Protection Register with the reasons clearly identified and explained. Apart from Oranga Tamariki and the NZ Police, only the designated CPO, Health and Safety Officer and Artistic Director will be given access to those records.

### ***Responding to Child Abuse/Suspected Abuse***

The TBTC will respond to allegations of child abuse in a manner which ensures the child's or young person's safety is the first and paramount consideration.

When child abuse is suspected, disclosed or witnessed, everything must be done to ensure the ongoing safety of the child or young person concerned, along with the ongoing safety of any other child or young person who is in close connection to the alleged offender. In all cases, the child or young person is the primary concern and all other concerns (including the guilt or innocence of the alleged offender) must be secondary. This does not mean that the alleged offender is to be considered guilty without due investigation, but that the child's or young person's safety comes first.

In a situation where any TBTC staff member believes that a child or young person is in immediate danger, the staff member in consultation with the designated CPO will inform Oranga Tamariki and the Police of their concerns. TBTC staff will not collude to protect and adult or an organisation. Records of



these Reports of Concern made to Oranga Tamariki and the Police will be kept securely and confidentially in a Child Protection Register.

TBTC staff will not act alone about concerns of abuse but will consult with either the designated CPO or the secondary CPO, and/or Manager, who will be committed to taking action as outlined in the procedures.

All concerns and information will be recorded factually and held confidentially. All documentation and information relating to child and young person protection concerns will be held in a Child Protection Register.

### ***Responding to Disclosures***

If there is information disclosed regarding actual or suspected child abuse TBTC staff must:

- Stay calm
- Listen and hear
- Give time to the child or young person to say what they want
- Reassure them that they were right to tell
- Tell the child or young person that they are being taken seriously and that they are not to blame
- Explain that they have to pass on what the child or young person has told them as soon as they are aware that the child or young person is making a disclosure
- Give an age-appropriate explanation to the child or young person of what the child or young person can expect to happen next
- Record in writing what was said as soon as possible, using the child's or young person's own words where possible
- Report the concern to Oranga Tamariki and/or the Police, in consultation with the designated CPO

Staff must not:

- Make the child or young person repeat the story unnecessarily.
- Promise to keep secrets
- Enquire into the details of the alleged abuse
- Ask leading questions

Under no circumstances should a member of TBTC staff attempt to conduct an investigation or deal with concerns of abuse themselves.

### ***Keeping the Child's or Young Person's Family and Whānau Informed and Involved***

Wherever possible, a child's or young person's family and whānau should participate in the decisions affecting that child or young person, and the relationship between the child or young person and their family and whānau should be maintained and strengthened.

Although the parent or caregiver of the child or young person will usually be informed of concerns, there may be times when those with parental responsibility may not be initially informed. This may happen when:

- The parent or caregiver is the alleged offender
  - It is possible that the child may be intimidated into silence
  - There is a strong likelihood that evidence will be destroyed
- the child or young person does not want their parent or caregiver involved and they are of an age when they are competent to make that decision. Any decision not to inform the child's or young person's family or whānau based solely on the child's or young person's wish should be made with careful consideration and in consultation with the designated CPO. Oranga Tamariki is always available for advice and assistance when it comes to communicating with family and whānau.

### ***Confidentiality and Information Sharing***

Under the Privacy Act 2020, the giving of information to protect children and young persons is not a breach of confidentiality. Principle 11 of the Privacy Act 2020, states sharing of personal information is allowed if “disclosure of the information is necessary to prevent or lessen a serious threat”

The Oranga Tamariki Act 1989 places the wellbeing and best interests of a child as the first and paramount consideration when it comes to the sharing of information. This principle takes precedence over any duty of confidentiality that is owed to the child or young person or their family and whānau, or any person with whom the child or young person is in a domestic relationship with.

Under the Oranga Tamariki Act 1989, if a member of staff raises a legitimate concern in good faith about suspected child or young person abuse, which proves to be unfounded on investigation, no civil, criminal or disciplinary proceedings may be brought against that staff member.

## Child and Young Person Protection Checklist

Is an immediate response required to ensure the child's or young person's safety?		
No		Yes
Consult designated Child and Young Person Protection Officer		Ensure the immediate safety of the child or young person and contact Police or CYF immediately on 111 or 0508 326 459
Decision whether to notify Child Youth and Family/Oranga Tamariki		Inform the Child and Young Person Protection Officer
Yes	No	Record actions taken
Report of concern made to Oranga Tamariki	Record actions taken	
Record actions taken		

### ***Where concerns about poor practice are reported***

Poor practice involved actions that are contrary to the good practice guidelines provided by TBYT and increase the risk of harm to children and young persons.

- Initial concerns should be discussed with the CPO or acting CPO.
- Consider the allegation and where there is a legitimate concern, provide a written notice to the individual(s) involved.
- If the poor practice is continued or repeated following a written notice, then enact disciplinary procedures. This may include expulsion from TBYT.

### ***Where abuse is suspected or reported***

The welfare and interests of the child or young person are the first and paramount consideration.

Records should be factual (not opinion or hearsay) and concise, and include:

1. The nature of the allegation
  2. Who witnessed/disclosed the abuse and their relationship to the child or young person
  3. Details of any witnesses
  4. Signs and symptoms noted (including behavioural change)
  5. Any particular incidents with dates, times and places (if possible)
  6. Any action taken
- Consult with others as necessary and do not work alone. No decisions or actions in respect of suspected or actual child or young person abuse, neglect, relationship violence, or cyberbullying are to be made by any staff member in isolation unless there are concerns for the immediate safety of the child or young person.
  - If a child or young person discloses abuse, listen and reassure them (they have done the right thing). Do not interview, take photos, promise confidentiality or prompt.
  - Avoid questioning the child or young person beyond what has already been disclosed.
  - Do not question or counsel the alleged offender.
  - Do not investigate/presume expertise unless very experienced and qualified to do so.
  - If a notification of abuse is to be made, the CPO will report the concern to OrangaTamariki/Police.
  - If the alleged abuse is by a staff member, the CPO will ensure that there is no contact between the alleged abuser and child or young person during programme hours.
  - The CPO or a member of the management team will liaise with OrangaTamariki/Police and follow their guidance, including the support to be provided to the person alleging the abuse and/or family involved.
  - In consultation with OrangaTamariki/Police, a member of the management team will notify the staff member about the complaint and consequences. The staff member will be directed to appropriate legal/professional advice as appropriate.
  - A member of the management team will document follow up actions.
  - Contact with the child's or young person's parents will be determined by OrangaTamariki/Police. Management team will liaise with OrangaTamariki/Police to remain informed.

## Safe Recruitment of Staff

The TBTC is committed to applying employment and selection processes which emphasise the importance of child and young person protection, and which ensure that every member of staff is safe and suitable to be associated with an organisation committed to the protection of children and young persons.

Before making any appointment, the TBTC will complete a robust safety checking process to ascertain the candidate's suitability and safety to work with children.

### ***Applications***

- A CV will be required
- A clear job description will be provided

### ***Shortlisting***

- Information will be gathered from the applicant to determine suitability

### ***Interview***

- A face-to-face interview will be conducted
- Interviews will include a pre-planned question programme

### ***Conditional Offer***

- Vetting and screening checks will be undertaken
- References will be contacted

### ***Confirmation of Employment***

- A full assessment of the information available is conducted and a decision to employ is made
- Rescreening will take place every 1-3 years

### ***Screening/Police Vetting***

All appointments (permanent, fixed term, student, casual or volunteer) to positions that have direct and/or frequent contact with children and young persons (i.e. core worker or non-core worker) will be conditional on a safety check. Before making any appointment, TBYT will undertake a series of checks to ascertain the candidate's suitability.

Safety checks include:

Verification of identification (usually two forms of photo identification)

1. Police vetting (a police vetting consent form will be obtained from the applicant)

#### ***Safety checks of new core and non-core children's workers***

TBYT will not employ or engage a person as a children's and young person's worker without ensuring that a safety check of the person is completed before the employment or engagement commences.

#### ***Safety checks of existing core and non-core children's workers***

TBYT will ensure that a safety check is completed of every children's and young person's worker who is employed, contracted or engaged by the organisation within 1-3 years after the date of the person's latest safety check. Core children's and young person's workers (i.e. tutors, assistant tutors etc.) will be screened every 1 year and non-core worker's (i.e. office or admin staff) will be screened every 3 years.

## Training of Staff

All Core Children's and young person Workers and CPOs will receive child and young person protection training at the level appropriate to their role. The designated CPO will undertake more intensive training in child and young person protection.

All Core Children's Workers and CPOs will update their child and young person protection training every three years as a minimum.

All staff will receive a copy of TBYT's Child and Young Person Protection Policy.

## Safe Working Practices

All staff are expected to behave in manners consistent with the TBYT Code of Conduct. A relationship between an adult and a child or young person cannot be a relationship between equals. There is a potential for exploitation and harm of vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

All staff are expected to behave in manners that maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others.

- Ensure that all physical contact with children and young persons is relevant and appropriate to the activity.
- Seek permission to touch when doing the above.
- Do not engage in any intimate, over-familiar or sexual relationships with people under the age of 19 years.
- Ensure that any filming or photography of children and young persons is appropriate.
- Ensure consent is obtained prior to filming or photographing, with a clear explanation of purpose.
- Request parental consent before transporting young people in a vehicle (ensure vehicle is insured and has current WOF), such transportation not to be undertaken without the express written consent of the CPO and the Artistic Director.
- Do not use alcohol in the presence of children and young persons and do not offer alcohol to children or young persons under any circumstances.
- Do not engage in communication on a one-to-one basis through social media, personal cell phones or email other than relevant tutor/student feedback or administration.
- Do not share any personal information with a child or young person, nor request or respond to any personal information from a child or young person other than that which might be appropriate as part of their professional role.
- Do not allow parents, coaches, other children and young persons, or spectators to engage in any type of bullying behaviour, including cyberbullying.
- Do not engage in any bullying behaviour.

***Avoiding situations where you are alone with a child or young person***

- Avoid private or unobserved situations, including being alone with a child or young person in the bathrooms (staff should use a designated staff bathroom where one is available).
- Avoid entering bathrooms. If you must enter, knock and announce yourself and try to have at least one other adult present.
- Avoid transporting a child or young person in a vehicle unaccompanied.
- Do not invite or encourage children or young person to visit your home.
- Where being alone with a child or young person is unavoidable (example: one-on-one teaching) the CPO must be notified in advance in order to advise parents/guardians and classroom/studio doors left open if possible.

### ***Good Practice Protocols***

The protocols provide guidance to those working with children and young persons by outlining good practice and establishing boundaries in a range of situations.

- Activities should be appropriate for the age and developmental stage of the children and young persons enrolled in the programme.
- Any feedback given to children and young persons should be about their performance and not of a personal nature.
- Positive and age-appropriate language should be used at all times when speaking to children and young persons and in their presence.

### ***Online Tutoring Protocols***

The protocols provide guidance to those tutoring children and young persons via online platforms by outlining good practice and establishing boundaries in a range of situations.

- Ensure that there is no inappropriate background or material present in the class, including by children and young persons
- Do not use any form of cyberbullying, harassment, discrimination, image-based abuse or inappropriate behaviour
- Do not use platforms or technology to access or distribute inappropriate sexual or graphic material
- Only use the approved platform to contact children and young persons, and keep all communications class-related, courteous, using appropriate language
- Do not make arrangements to meet with children and young persons outside of their online class, either in person or online
- Do not access another tutor's, child's and young person's accounts
- Recording online classes is for safety purposes only and may not be shared
- Understand that you will be subject to laws governing the Internet

### **Allegations against Staff**

In accordance with staff responsibility to act on serious concerns, a report must be made to the CPO and Artistic Director of any instance where policy is breached or good practice guidelines are not followed by staff, or of any

disclosure by a child or young person of abuse by staff, or any suspicions and concerns about a child or young person being subject to abuse by staff.

TBTC will ensure that both the staff and the child's or young person's rights are attended to by:

- ensuring the safety of the child is of first concern
- ensuring the staff member in question has access to legal and professional advice, in accordance with the Employment Relations Act 2000

### ***Reports of Poor Practice***

Poor practice involves actions that are contrary to the good practice guidelines and code of conduct provided by TBTC and increase the risk of harm to children and young persons.

- report will be discussed and assessed with the CPO (in the absence of the CPO the Artistic Director should be notified)
- where there is a legitimate concern, a written notice will be issued to the staff involved.
- If the poor practice is continued or repeated following a written notice, then enact disciplinary procedures. This may include expulsion from TBYT.

### ***Allegations***

Allegations, suspicions or complaints of abuse against staff

- allegations against staff must be taken seriously and reported to the CPO and Artistic Director
- dealt with immediately, sensitively and expediently within the procedures outlines in this policy
- A staff member tendering their resignation or ceasing to provide services to TBTC will not prevent an allegation being followed up

### ***Criminal Investigation***

- If the Police decide to undertake a criminal investigation, then the member of staff may be suspended, without prejudice, as a precautionary measure.
- It is NOT the responsibility of staff to investigate the allegations of child or young person abuse. It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice the criminal investigation.
- In the event that there is insufficient evidence to pursue any criminal investigation, an internal disciplinary investigation may result.

### ***General Complaints***

All parents are encouraged to notify the CPO as soon as possible if they have any cause for concern.