

**LOLLY JAR CIRCUS PROTECTION POLICY FOR CHILDREN, YOUNG PEOPLE
AND PEOPLE WITH A DISABILITY**

To be reviewed yearly and following the identification of new risks or a critical incident

(policy developed January 2024)

Why this Policy is Necessary

Lolly Jar Circus has developed this policy to fulfil its moral commitment and legal obligations to protect children and young or vulnerable people from harm. It is the Mission of Lolly Jar Circus to improve the lives of children and young and people through inclusive circus classes and performances.

Lolly Jar Circus is inclusive and welcoming of all children and young and vulnerable people regardless of their abilities, sex, gender, or social, economic or cultural background. They are all valued, respected and encouraged.

Safety is one of the guiding Values of Lolly Jar Circus and is embedded in all aspects of its work from its Strategic Plan to the board agenda and the education and practices of its CEO, trainers and volunteers. Lolly Jar Circus strives to provide a safe and friendly environment and safe and beneficial activities for children and young or vulnerable people. It will take all measures possible to avoid and prevent the occurrence of harm. Where it is aware of or suspects harm it will respond compassionately and appropriately according to the law.

This policy has been developed with regard to all relevant laws and guided by the National Principles for Child Safe Organisations, Australian Human Rights Commission 2018.

Who is Protected by this Policy

- This policy is for the protection of all children and young people under the age of eighteen.
- It is also for the protection of people who are over the age of eighteen but vulnerable due to disability.
- Further, this policy sets out specific requirements concerning people who are clients of the NDIS.
- Lolly Jar Circus is committed to ensuring that our policies, environments and practices are culturally safe for children, young and vulnerable people who are Aboriginal or Torres Strait Islander, and in 2023 has engaged an Aboriginal consultant to review and improve them.

Who Is Bound by this Policy

The Lolly Jar Circus community comprises its board, CEO, trainers, volunteers, participants and their parents, carers and families. This policy binds the board, CEO, trainers and volunteers. It is a condition of the employment contracts of trainers that they abide by this and other policies of the organisation.

Avoiding and Preventing and Harm

To avoid and prevent harm occurring within its organisation, Lolly Jar Circus will:

1. Create awareness of its commitment to safety and the wellbeing of children, young and vulnerable people by:
 - Ensuring that all members of the Lolly Jar Circus community are aware of this policy, our Code of Conduct and our Risk Management Plan by supplying them on enrolment, publishing them on our website and making copies available for inspection at the venues we hire.
 - Providing welcoming and safe spaces and age and ability-appropriate activities.
 - Advising children, young and vulnerable people in language and ways that are appropriate to their understanding, with the assistance of their parents and carers if necessary, of their rights to feel safe and who they can talk to if they feel unsafe, namely a trainer, the CEO or other trusted adult.
 - Creating respectful relationships with children, young and vulnerable people who attend our classes so that they feel comfortable to raise issues of concern.
 - Providing a comfortable “break space” at the venues we hire, with noise-reducing headphones and fidget toys, where children, young and vulnerable people can go to rest and self-regulate whenever they feel the need.
 - Having a comprehensive enrolment form to be completed by parents and carers or older participants who are able and by developing respectful relationships with them in which they feel comfortable to discuss new or ongoing issues, so that the people in our organisation who have direct contact with children, young and vulnerable people are fully aware of any history, conditions, cultural safety requirements or other information that might affect their safety. Such information should be securely stored and not shared with anyone else save as required by law.
 - Responding to any physical incidents or near misses to prevent or avoid their reoccurrence according to the law and good occupational, health, welfare and safety practices. See our Risk Management Plan for more information.
 - Ensuring that our online presence is respectful of choices made by members of our community regarding the publication of images and personal information and is safe to be accessed by children, young and vulnerable people.
 - In circus it is often necessary to “spot” a participant as they learn a new trick or progress to a harder one and Lolly Jar Circus has developed Appropriate Touching Guidelines. We will ensure that parents and carers are aware of these by supplying them on enrolment, publishing them on our website and making copies available at the venues we hire. We will ensure that the person spotting explains to the participant in a way that participant can understand, by words, demonstrating with another trainer or asking a parent or carer to help explain, how they intend to spot them and, if the participant is not comfortable with this, will move to a different activity. In all cases where a participant does not like being touched in general, as is the case with some of our participants with autism, this will be respected and non-touching activities provided.
 - Publishing our Complaints Procedure on our website and having copies available at the venues we hire with clear instructions on how and to whom complaints should be made and how they will be dealt with.

- Regularly reviewing policies and procedures against the law and the National Principles for Child Safe Organisations and ensuring suitable and secure record-keeping.
2. Have rigorous recruitment practices including:
- Emphasising the importance of protecting children, young and vulnerable people in all advertising for positions as board members, CEO, trainers and volunteers.
 - Requiring all applicants to supply current DHS Working With Children Checks (WWCCs), or instigating an application for a WWCC, and the contact details of two character referees.
 - Verifying the accuracy of WWCCs in the DHS portal and following up the character referees to ensure that the applicant understands their obligations to protect children, young and vulnerable people before allowing them to commence paid or voluntary work with our organisation.
3. Have rigorous education and training practices including:
- Inducting, educating, continuing to educate and monitoring the performance of the board, the CEO, trainers and volunteers and in particular their commitment to the safety of children, young and vulnerable people. It is CEO's responsibility to observe and conduct performance appraisals of trainers and volunteers and the board's responsibility to conduct performance appraisals of the CEO.
 - Requiring the CEO, trainers and volunteers to be trained in mandatory notification of harm, and risk of harm to a child (RRHAN-EC training), ensuring that they understand and fulfil their obligations to report harm or suspicion of harm and supporting them in this process if required. See below for definitions of harm and detailed instructions on where and how to report harm or suspicion of harm.
 - Ensuring that the CEO, trainers and volunteers, who have direct contact with children, young and vulnerable people, never use restrictive practices except in the case of immediate serious danger.
 - Ensuring suitable and secure record keeping.

What is Harmful Conduct?

In general, harm to a child, young or vulnerable person is categorized in six ways. These are sexual harm and grooming, physical harm, domestic and family violence, emotional harm, neglect and through substance abuse and/or mental health or social and emotional wellbeing.

1) Sexual abuse and grooming

Any sexual activity or behaviour that is imposed on a child, young or vulnerable person is considered sexual abuse. Sexual abuse can occur when someone in a position of power uses that power to involve the child or young person in sexual activity. A position of power may include a position of power by strength, age, developmental capacity, or where the victim is substance affected or unable to consent.

Unacceptable behaviour includes intercourse, obscene language, gestures of a sexual nature, suggestive remarks or actions, unwarranted and inappropriate touching, undressing in front of a child or young person or watching them undress, writing, texting or in any other way corresponding

with a child or young person about sexual or personal feelings and deliberate exposure of a participant to the sexual behaviour of others

2) Physical harm

Unacceptable behaviour towards a child, young or vulnerable person includes hitting, punching, shaking, biting, pulling hair, torture (e.g. burning), threats to injure or kill, genital mutilation and giving drugs or alcohol.

3) Domestic and family violence

Domestic and family violence is harm that occurs in the domestic setting including directly to the child, young or vulnerable person or to someone else but impacting on the child, young or vulnerable person and can be by coercive control.

4) Emotional harm

Emotional harm is usually a sustained pattern of behaviour towards a person, which undermines or erodes the person's self-esteem. Unacceptable behaviour includes devaluing, ignoring, rejecting, constantly criticising without any praise, manipulating, preventing relationships with other family members or friends, corrupting, isolating, terrorising, threats to harm or kill and repeated or extreme domestic violence in the person's presence.

5) Neglect

Neglect is a failure to provide for a person's basic needs. Unacceptable behaviour includes inadequate supervision for long periods of time, failure to provide adequate nutrition, clothing, personal hygiene, shelter, health care or medical treatment, disregarding potential hazards, forcing a person to leave home before they are able to look after themselves and allowing chronic truancy.

6) Substance use and/or mental health or social and emotional wellbeing that impacts the safety and wellbeing of the child, young or vulnerable person.

When a parent, guardian or caregiver's use of drugs or alcohol or mental ill health affects their ability to meet the child, young or vulnerable person's physical, social or emotional needs, or their ability to maintain regular routines and a safe and functioning home environment, the child, young or vulnerable person may be harmed or at risk of harm.

What Are the Signs of Harmful Conduct?

Lolly Jar Circus CEO, trainers or volunteers may become aware of harm or suspect harm through a disclosure by a child, young or vulnerable person that is believable, realistic and plausible, by observing injuries or attempts to cover up injuries, observing lack of personal care or hygiene, changes in behaviour or behaviour that is sexualised, disruptive, aggressive or fearful.

Injuries and concerning behaviours may not be caused by harm, however. They may be pure accidents or due to disability or mental illness. In deciding whether to make a report consider whether what you have heard or observed is the result of harm by another.

Obligations on Lolly Jar Circus When Harm Has Occurred or Is Suspected

1. Reporting

OFFICIAL

When the Lolly Jar Circus CEO, trainers or volunteers become aware of or suspect harm to a child, young or vulnerable person, they are required by law to report this as soon as possible. This includes harm that occurred or is suspected to have occurred **within or outside** of Lolly Jar Circus.

ALWAYS CALL 000 IN AN EMERGENCY OR WHERE THE PERSON IS IN IMMINENT DANGER OF HARM.

In other cases report as set out below:

- **Where to Report Harm to a Child or Young Person**

All **serious** concerns of harm or suspicion of harm must be reported by telephone to the Child Abuse Report Line (CARL) **131478** and cannot be reported online. The telephone report line is available 24 hours a day, 7 days a week. Serious concerns include suspecting a child or young person is in imminent or immediate danger of:

- serious harm
- serious injury
- chronic neglect
- when the concerns are for an infant under 12 months old
- when the child or young person is in the care of the department.

Other harm can be reported online through e-CARL. Register and login to the [online child protection reporting system](#). For help, see the [Instructions for using the online child protection reporting system](#).

For all reports, see [Preparing to report/notify suspected harm to children and young people](#) for details on what to provide in a report.

Where to report sexual abuse of a child or young person

All adult workers (even if not a mandated notifier) have a legal obligation to report child sexual abuse to the police and to protect a child from sexual abuse. Failure to meet these obligations may be considered a criminal offence.

- **Where to Report Harm of a Person with a Disability**

To report harm or suspected harm of a person with a disability, contact either:

- 1) The Department of Human Services within a day, asking for the Director Incident Management or Manager Feedback and Incident Review by phone at **82070490** or by email at DHSIncidentManagementFeedbackandIncidentReview@sa.gov.au or
- 2) The Commonwealth Government Hotline at **1800 880 052** or by email at hotline@workfocus.com
- 3) In addition, if the person who has been or is suspected to have been harmed, including the types of harm listed above or restrictive practices, is a client of the NDIS, you must contact the NDIS Quality and Safeguards Commission by phone **1800 035 544** (free call from

landlines) or **TTY 133 677** (interpreters can be arranged), or by completing this complaints form:

<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=PRD00-OCF>

- **Where the Harm Was Caused or Suspected to Have Been Caused by a Lolly Jar Circus Employee or Volunteer**

If the harm or suspected harm was caused or suspected to have been caused by the CEO a trainer or volunteer of Lolly Jar Circus, it should be reported in the same way as for any other case but in addition the CEO and board should be notified, or if it is the CEO in question then the board alone. The CEO and/or board will consider if what is reported is believable and serious and whether the person reported should be stood down from work but will not undertake any investigations beyond this as they might prejudice investigations by the police or other relevant bodies.

In the case that harm is found by the police or other relevant bodies to have been caused by one of these people, their employment will be terminated, the CEO or board if it is the CEO in question will advise the DHS Screening Unit, the board will review its policies and procedures to ensure that changes are made to prevent or avoid future harm and the person harmed and their parents or carers will be offered emotional support.

The relevant Lolly Jar Circus emails are:

ljccomplaints@gmail.com or boardofLJC@gmail.com

2. Offering Support

In addition to reporting the harm or suspicion of harm Lolly Jar Circus, through the CEO or the board if the CEO is involved, will offer emotional support to the child, young or vulnerable person or their parents or carers depending on their age and understanding. They will practise active listening and respond according to the needs of the people involved.

Complaints That Are Not Related to Harm

Complaints about Lolly Jar Circus, the CEO, a trainer or volunteer that do not amount to allegations of harm are dealt with in a separate Complaints Policy.

Complementary Policies

As Lolly Jar Circus is an organisation whose primary focus is the wellbeing of children, young and vulnerable people, most of its policies impact upon their safety. The following policies are regularly reviewed by the board and are available on our website and on request:

Appropriate Touching Guidelines

Cultural and Linguistically Diverse (CALD) Policy

Codes of Conduct

Complaints Policy

Hot Weather Policy

Media Policy

Non-Discrimination Towards People With Disabilities

Physical Accident or Near Miss Report Form

Policy on Children in Performance

Privacy Policy

Protocol for Working With Aboriginal Participants

Risk Management Plan (incorporating the former Safety Policy)

Safety Audit and Policy and Procedure Development