



## MELBOURNE CHAMBER ORCHESTRA Child Safety and Wellbeing Procedures

### **Purpose**

This Child Safety Procedures document, in parallel with the Child Safety Policy, is a mandatory Melbourne Chamber Orchestra (MCO) procedure that ensures:

- MCO manages risks to people when there is reasonable suspicion that an incident has taken place, is taking place, or will take place;
- MCO manages the risks that come from its response to an incident;
- MCO takes opportunities to improve its safeguarding approach.

### **Scope**

This plan applies to:

- All managers, staff, volunteers and Board members;
- All operations carried out by third parties, including contractors, sub-contractors, musicians and performers, workshop facilitators, that are funded by MCO in part or in full;
- All incidents of suspected abuse, neglect or exploitation.

Failure to follow this plan may be considered a serious disciplinary matter.

### **Procedures**

#### ***Recruitment & Selection Procedure***

For child-facing activities or where engaged persons have access to children's personal information, we only recruit staff, contractors and volunteers who are appropriate to engage with children. For these roles, we:

- require a Working with Children Check,
- confirm the suitability of candidates to work with vulnerable people, with two referees,
- prohibit the engagement of any person with prior convictions for violent or sexually related offences.

#### ***Induction & Engaged Persons Support Procedure***

MCO is committed to ensuring that all leaders, staff and volunteers ("engaged persons") receive training to ensure they understand their responsibilities in relation to child safety and to support their engagement with children. MCO assists its leaders, staff and volunteers to incorporate child safety considerations into decisions and to promote a safe environment where children are empowered to speak up about issues that affect them.

Engaged persons are required to:

read and understand Melbourne Chamber Orchestra's Child Safety policies sign the Child Safe Code of Conduct.

- Complete a questionnaire showing their understanding of key responsibilities.
- immediately raise issues or concerns about behaviour with children in line with our Code of Conduct, complaint handling policy and disciplinary policy.

Staff, volunteers and contractors will receive supervision to support their engagement with children and for compliance with our Code of Conduct and Child Safety and Wellbeing Policy.

Relevant formal training or refresher courses are offered to staff managing key child-facing programs on an annual basis.

### ***Incident Reporting Procedure***

#### ***Defining an incident***

MCO's policy for safeguarding child safety provides the following examples of abuse, neglect or exploitation:

- Sexual harassment, bullying or abuse;
- Sexual criminal offences and serious sexual criminal offences;
- Threats of, or actual violence, verbal, emotional or social abuse;
- Cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crime;
- Coercion and exploitation;
- Abuse of power.

For the purposes of this plan, an incident begins when there are reasonable grounds to suspect actual, potential, or perceivable cases of abuse, neglect or exploitation may have occurred, may be occurring, or could occur in connection with MCO or its work.

#### ***Responding to a suspicion of an incident***

At any time during this process, if there is suspicion of imminent harm to a person, contact the Police on 000. MCO may refer the incident to the Police or relevant criminal judicial authority at any point.

#### ***Phase One: Forming a suspicion***

The safeguarding policy defines 'reasonable grounds to suspect' an incident and creates a requirement for managers, staff, volunteers and third parties to report that suspicion.

Failure to report instances, allegations, disclosures or concerns about safeguarding will be viewed as a serious matter that may, depending on the circumstances, result in disciplinary action or dismissal.

### ***Phase Two: Reporting a suspicion***

- A person should report a suspicion to any member of MCO's management staff.
- If the person wishes to report a suspicion without the involvement of staff, then the suspicion should be reported to the Board Delegate for Child Safety using the email [childsafety@mco.org.au](mailto:childsafety@mco.org.au).

The person receiving the report of a suspicion must notify the Board Delegate and the Executive Director who will be responsible for managing the incident, unless they are the subject(s) of the complaint.

When receiving a report:

- Use active listening, be calm, supportive and reassuring with any potential victim or witness. Concentrate on making the person providing information feel that they are doing the right thing and that you are there to help them.
- Explain what you will do with the information.
- Explain that you are required to pass the information to MCO and that MCO will take the matter seriously.
- Get as much information as possible from the source of the concern, if appropriate in the circumstances.

When receiving a report, do not:

- Make promises to any person, except to say that MCO will take the matter seriously.
- Investigate the matter yourself.
- Disclose the information to people other than those you are required to tell.
- Approach the suspect about the incident, challenge the suspect or share information about the incident with the suspect.
- Make judgements about the validity, credibility or veracity of the information.

### ***Phase Three: Managing MCO's response to a suspicion***

Upon being notified of the incident, the Delegate and/or Executive Director will:

- Ensure that all people, especially any survivor, are safe;
- Seek further information to help make decisions
- Initiate a rule that states the information will only be made available to people who need to know.
- If there is suspicion of imminent or actual physical harm, including sexual abuse, notify the Police immediately.

Where required, the Delegate will convene an Incident Committee to work with them to resolve the incident. The purpose of the Committee is to provide accountability and guidance to the Chair, as well as knowledge and experience across different areas of the MCO to help successfully manage an incident. The Delegate may also call on specialist investigative or legal assistance to manage the response.

All incidents require investigation. If a matter has not been referred to the Police then, depending on the nature of the matter, the Incident Committee will be guided by the principles of independence and competence:

- What is the best way to carry out an internal investigation independently and objectively?
- What resources are available, internally or externally, to carry out an investigation to the correct level of competence and fairness?

During the course of this plan, survivors must receive support from MCO. This support must make the survivor feel safe and feel that their needs are being prioritised. Similarly, any person under suspicion must be treated lawfully and with due regard for their own safety, security, and needs. In both cases this includes providing the person with updates, keeping in mind the need for confidentiality.

***The subject of a complaint may have their conditions of engagement altered prior to the completion of an investigation. At the discretion of the Delegate and/or Executive Director.***

***Changes of conditions include:***

- being stood down automatically during an investigation
- having their duties altered so they do not engage with children at Melbourne Chamber Orchestra
- not allowing unsupervised contact with children at Melbourne Chamber Orchestra
- removing their access to the Melbourne Chamber Orchestra IT system and facilities.

***Phase Four: Taking action following a suspicion***

The Incident Committee will consider the outcomes following an investigation. Possible outcomes may include:

- No further action
- Disciplinary action
- Seeking criminal prosecution, civil action or referral to law enforcement.

Following every incident, MCO will document the lessons learned with the aim of improving the way it manages incidents. This will take a holistic approach, framed by the following questions:

- How will MCO better deter persons from behaving in this way again?
- How could MCO better detect an incident like this again?
- How could MCO better manage an incident like this again?

The Incident Committee will be responsible for meeting any obligations to report to an external body.

### ***Phase Five: Concluding the response to a suspicion***

To close an incident, the Board must be satisfied that:

- There are records of the incident that show:
  - How the incident arose and how it was handled
  - The details of the original concern and other relevant information;
  - The details of the decisions that were made
  - The evidence collected
  - The details of the actions taken
  - External reporting of the incident (if required).
- Lessons have been documented and used to improve the way MCO manages incidents in the future.

### **Record Keeping Procedures**

- Records relating to induction, recruitment and selection procedures will be kept in a protected digital repository by the Operations Manager.
- In general, records relating to any complaint will be held in a protected digital repository by the Executive Director.
- In the event that the complaint is initially received by the Board or its Delegate, the Chair of the Board or their Delegate may hold records in a secure way until the Delegate deems it appropriate to transfer the documents to the Executive Director.
- Records must be kept for a minimum of 50 years in compliance with legislative and insurance requirements.
- In the event that MCO ceases to exist as an entity, at that time the Board must ensure that all records related to Child Safety are preserved in an appropriate way for the minimum period.

### **Administering this plan**

Any information regarding the effectiveness and performance of this plan must be passed to the Executive Director.

This plan will be reviewed each year.

Adopted by Melbourne Chamber Orchestra: June 2022

Next review: 1 July 2023.