

ARTS CAPITAL SAFEGUARDING POLICY AND INCIDENT RESPONSE PLAN

Date approved: 29 October 2020

Date of next review: 1 October 2022

Policy number: #01

Policy Statement

1. All people, regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background, have equal rights to protection from abuse, neglect or exploitation.
2. Arts Capital commits to promoting and protecting the welfare and human rights of people that interact with, or are affected by, our work - particularly those that may be at risk of abuse, neglect or exploitation. We have no tolerance for abuse, neglect or exploitation. We will take a survivor-centric approach in all that we do.
3. All staff, volunteers, partners and third parties of Arts Capital share responsibility for protecting everyone from abuse, neglect or exploitation. Beyond this, particular people have specific responsibilities, and they must carry out their duties without exception.
4. Arts Capital has a process for managing incidents that must be followed when one arises.

Purpose

5. The purpose of this policy is to:
 - a. Help protect people that interact with, or are affected by, Arts Capital, including but not limited to people who work at, visit or participate in programs at Ainslie and Gorman Arts Centres.
 - b. Define the key terms we use when talking about protecting people or safeguarding.
 - c. Set out and develop the way Arts Capital manages safeguarding risks.
 - d. Set out the specific roles and responsibilities of persons working in and with Arts Capital
 - e. Set out the specific roles and responsibilities of residents working at Ainslie and Gorman Arts Centres, and how we will support them to meet those responsibilities.
 - f. Facilitate the safe management of incidents.
 - g. To support a positive and effective internal culture towards safeguarding.

Definitions

6. 'Safeguarding' means protecting the welfare and human rights of people that interact with, or are affected by, Arts Capital, particularly those that might be at risk of abuse, neglect or exploitation. This refers to any responsibility or measure undertaken to protect a person from harm.
7. 'Abuse, neglect or exploitation' means all forms of physical and mental abuse, exploitation, coercion or ill-treatment. This might include, for example:
 - a. sexual harassment, bullying or abuse;
 - b. Sexual criminal offences and serious sexual criminal offences;

- c. Threats of, or actual violence, verbal, emotional or social abuse;
 - d. Cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crime;
 - e. Coercion and exploitation;
 - f. Abuse of power.
8. 'Reasonable grounds to suspect' is a situation where a person has some information that leads them believe that abuse, neglect or exploitation has taken place, is taking place, or may take place. It comes with a low burden of proof (in fact, no proof is needed at all), but is based on some information. Questions that may help a person to determine whether they have 'reasonable grounds to suspect' might include:
- a. Could you explain to another person why you suspect something? This helps to make sure that your suspicion is based on information, even if you have no proof.
 - b. Would an objective other person, with the same information as you, come to the same conclusion? This helps to make sure that your suspicion is as objective as possible.
 - c. A 'survivor-centric approach' means considering and lawfully prioritising the needs, right and wishes of survivors.

Roles and responsibilities

9. While the responsibility to protect people is shared by all who work at or with Arts Capital, including staff and residents of Ainslie and Gorman Arts Centres, some individuals have specific obligations with which they must comply.
10. The members of the board of Arts Capital are responsible for:
- a. Protecting all people that interact with, or are affected by, Arts Capital
 - b. Ensuring that there are appropriate and effective ways for Arts Capital to do this;
 - c. Ensuring that Arts Capital observes all relevant laws relating to safeguarding;
 - d. Ensuring that Arts Capital takes a survivor-centric approach.
11. The Chief Executive Officer of Arts Capital must:
- a. Ensure Arts Capital has effective and appropriate ways to manage safeguarding and legal compliance;
 - b. Ensure that, within the organisation's approach, reasonable steps are taken to protect people;
 - c. Ensure that reports to external parties are made where required.
 - d. Ensure that residents of Ainslie and Gorman Arts Centres are aware of this policy and, where applicable, verify that they have their own policies in place to safeguard people under their direct care.
 - e. Manage reports of abuse, neglect or exploitation;

- f. Ensure that all staff, contractors, and volunteers are aware of relevant laws, policies and procedures;
- g. Ensure that all staff, contractors and volunteers are aware of their obligations to report suspected incidents of abuse, neglect or exploitation;
- h. Manage reports of abuse, neglect or exploitation;
- i. Provide support for staff, contractors and volunteers in undertaking their responsibilities.

12. All Managers of Arts Capital must:

- a. Promote a positive culture towards safeguarding;
- b. Implement this policy in their area of responsibility;
- c. Ensure that the risks of incidents have been considered in their area of responsibility;
- d. Ensure that there are appropriate controls in place to prevent, detect and respond to incidents;
- e. Facilitate the reporting of any suspected abuse, neglect or exploitation;
- f. Take a survivor-centric approach to potential incidents and ensure that any incident is dealt with transparently and accountably.

13. All Staff and Volunteers of Arts Capital must:

- a. Familiarise themselves with the relevant laws, the Code of Conduct, policies and procedures for safeguarding;
- b. Comply with all requirements;
- c. Report any incident to the appropriate authority when it is reasonable to suspect that a person's safety or welfare is at risk
- d. Report any suspicion that a person's safety or welfare may be at risk to the appropriate authority; and
- e. Provide an environment that is supportive of everyone's emotional and physical safety.

14. All partners and contractors of Arts Capital, and all residents of Ainslie and Gorman Arts Centres, must:

- a. Implement the provisions of this policy and Arts Capital's procedures in their dealings with Arts Capital;
- b. Report any suspicion that an incident may have taken place, is taking place, or could take place.

Managing safeguarding risk

15. The way Arts Capital manages the risks of safeguarding will be:

- a. Holistic. Arts Capital and its stakeholders will work to prevent, detect and take action on incidents.
- b. Risk-based and proportionate. Arts Capital will regularly assess the risks to people in its operations and develop proportionate controls to mitigate those risks.
- c. Survivor-centric. Arts Capital will put survivors at the heart of its approach to safeguarding.
- d. Lawful. Arts Capital will ensure that it understands and complies with the law in everything it does, in all jurisdictions in which it works.

16. Arts Capital will manage the risk of safeguarding by:

- a. Having up-to-date and documented risk assessments;
- b. Maintaining a register of Arts Capital's legal obligations for safeguarding and workplace health and safety in all the jurisdictions in which it operates;
- c. Having an action plan that sets out how it will manage safeguarding;
- d. Adhering to this Safeguarding Policy and its Code of Conduct;
- e. Doing due diligence checks of staff, volunteers and third parties
- f. Implementing policies, procedures and systems that introduce controls to reduce the likelihood and consequence of incidents;
- g. Conducting awareness-raising for stakeholders on risks, expectations, and individual responsibilities;
- h. Maintaining two reporting processes: the confidential reporting process, and the overt reporting process;
- i. Having an incident response plan;
- j. Monitoring and reviewing the effectiveness and proportionality of its safeguarding approach.

Managing incidents

17. Harassment, abuse, neglect and exploitation are all serious misconduct and Arts Capital reserves the right to:

- a. Take disciplinary action against those it believes are responsible, which may include dismissal or termination of sub-licences, contracts, or other agreements;
- b. Take civil legal action;
- c. Report the matter to law enforcement.

Reporting suspected incidents

18. All staff, volunteers and third parties, including residents of Ainslie and Gorman Arts Centres, must, as soon as practicable, report any suspicion that an incident has taken place, may be taking place, or could take place.

19. They may do this through direct reporting to:

- a. Any member of the board;
- b. The Chief Executive Officer;
- c. Their Manager or Supervisor, if the person reporting is a staff member of Arts Capital.

20. If a person wants to report confidentially, including with anonymity, they may use the confidential reporting system, which is to email safeguarding@agac.com.au or to write physically to Arts Capital at its registered office (55 Ainslie Avenue Braddon ACT 2612) with a sealed envelope addressed to "CEO, Confidential safeguarding". If a person believes that another person is at risk of immediate harm or the victim of a criminal offence, they must dial 000.

Responding to suspected incidents

21. All suspected, perceived, potential or actual incidents will be managed through the incident response plan.

External reporting

22. Arts Capital will:

- a. Report any suspicion of a criminal offence to the police or the relevant criminal judicial body;
- b. Report any qualifying matter to the ACNC.

Privacy and data protection

23. All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Arts Capital will protect personal information.

24. Arts Capital's Privacy Policy applies.

Administration of policy

25. This Policy will be reviewed every two years. The next review will be in October 2022

Procedures created by the policy

26. Incident response plan

27. Register of legal obligations.

Related policies and procedures

28. This policy relates to Arts Capital's other policies:

- Workplace Discrimination and Anti-Harassment Policy.
- Privacy Policy (currently being drafted)
- Code of Conduct (currently being drafted)

ARTS CAPITAL SAFEGUARDING INCIDENT RESPONSE PLAN

Date approved: 29 October 2020
Date of next review: 1 October 2021
Policy number: #02

Purpose

This incident response plan is a mandatory procedure that ensures:

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

Scope

This plan applies to:

- All managers, staff and volunteers;
- All operations carried out by third parties that are funded by Arts Capital in part or in full;
- Residents of Ainslie and Gorman Arts Centres;
- All incidents of suspected abuse, neglect or exploitation.

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

Legislative requirements

Where relevant, legislative requirements govern Arts Capital's approach to safeguarding. These requirements will be met in parallel with the actions of this plan and will take precedence. The legislative requirements will be determined with reference to the register of legal obligations.

Defining an incident

Arts Capital's policy for safeguarding 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 Arts Capital or its work.

Responding to a suspicion of an incident

Arts Capital will follow this workflow for all incidents. Arts Capital will follow a survivor-centric approach, as laid out in the safeguarding policy, in all cases.

At any time during this process, if there is suspicion of imminent harm to a person, contact the police on 000.

Arts Capital 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

The safeguarding policy creates two means by which someone may report a suspicion:

- Overtly: directly reporting to any member of the Board, the Chief Executive Officer, or to their Manager or Supervisor if the person reporting is an Arts Capital staff member.
- Confidentially: using Arts Capital's confidential reporting system which is to email safeguarding@agac.com.au or to write physically to Arts Capital at its registered office (55 Ainslie Avenue Braddon ACT 2612) with a sealed envelope addressed to "CEO, Confidential safeguarding".

The person receiving the report of a suspicion must notify the Chief Executive Officer, who will be responsible for managing the incident.

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 Arts Capital and that Arts Capital 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 Arts Capital 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 Arts Capital's response to a suspicion

Upon being notified of the incident, the Chief Executive Officer 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 physical harm, including sexual abuse, notify the police immediately.

The Chief Executive Officer will notify the Arts Capital Board and convene an Incident Committee to work with them to resolve the incident. The members of this committee will be:

- At least one member of the Arts Capital Board
- The Business Manager of Arts Capital
- Any other manager with relevant knowledge and experience of Arts Capital's operations
- Where the incident involves cultural or identity abuse, the committee will include a person who identifies with the cultures or identities involved.

The purpose of the Committee is to provide accountability and guidance to the Chief Executive Officer, as well as knowledge and experience across different areas of the charity to help successfully manage an incident.

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 Arts Capital. 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.

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, Arts Capital 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 Arts Capital better deter persons from behaving in this way again?
- How could Arts Capital better detect an incident like this again?
- How could Arts Capital 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 Chief Executive Officer 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 Arts Capital manages incidents in the future.

Administering this plan

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

This plan will be reviewed annually. The next date of review is: October 2021