



SAFEGUARDING POLICY

Version: 1

Approved by: Mudlark Board

Approval date: 19 June 2024

Updated:

PURPOSE

The purpose of this policy is to:

- a. Facilitate a workplace culture of safety and protection for all people, regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background.
- b. Prevent abuse, neglect or exploitation for all people who work with Mudlark or who interact with, or are affected by, our work, particularly those that may be at risk of abuse, neglect or exploitation.
- c. Ensure that all parties are aware of their responsibilities for protecting vulnerable people from abuse, neglect or exploitation.
- d. Set out and develop the way Mudlark manages risks relating to working with vulnerable people
- e. Set out the specific roles and responsibilities of people working with Mudlark
- f. Facilitate the safe management of any incidents relating to vulnerable people

SCOPE

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

- a. Employees (permanent, contract and casual)
- b. Volunteers
- c. Contractors and sub-contractors
- d. Work experience students/interns/secondments
- e. Board members and sub-committee members
- f. Any other individual in the organisation that may deal with vulnerable people.

For the purpose of this policy the term “personnel” is used to cover all persons occupying the list above.

DEFINITIONS

For the purpose of this Policy, the following words or phrases take the following definitions:

Abuse, neglect or exploitation:	Abuse, neglect or exploitation' means all forms of physical and mental abuse, exploitation, coercion or ill-treatment. This might include, for example: <ul style="list-style-type: none">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.
Child/Children:	Young people up to the age of 18
Manager:	A person working for Mudlark in a management position, primarily the General Manager and Artistic Director. On any Mudlark project, this also includes the Director and the Production Manager.
Mudlark:	Mudlark Theatre Inc
Parent/Guardian:	The parent or legal guardian of a vulnerable person. For the purpose of this policy, this term may also refer to a support person that is nominated by a vulnerable person if they do not have a formal guardian.
Personnel:	Any adult person (18 years of age or older) engaged by Mudlark that may work or interact with vulnerable people at any time as defined in the Scope of this Policy.
Safeguarding:	Safeguarding' means protecting the welfare and human rights of people that interact with, or are affected by Mudlark, 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.
Vulnerable Person:	A vulnerable person means a child, being an individual under the age of 18 or an individual aged 18 years and above who may be unable to take care of themselves against harm or exploitation by reason of a, illness, trauma or disability or any other reason.

1. INTRODUCTION

- 1.1. Mudlark is deeply committed to the safety and empowerment of every person who comes into contact with our company.
- 1.2. 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.
- 1.3. Mudlark 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 a zero tolerance policy for abuse, neglect or exploitation.
- 1.4. All personnel of Mudlark 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.

- 1.5. Mudlark has a process for managing incidents that must be followed when one arises.

2. ROLES AND RESPONSIBILITIES

- 2.1. While the responsibility to protect people is shared by all who work at or with Mudlark, some individuals have specific obligations with which they must comply.
- 2.2. The members of the board of Mudlark are responsible for:
 - 2.2.1. Protecting all people that interact with, or are affected by, Mudlark;
 - 2.2.2. Ensuring that there are appropriate and effective ways for Mudlark to do this;
 - 2.2.3. Ensuring that Mudlark observes all relevant laws relating to working with vulnerable people;
 - 2.2.4. Ensuring Mudlark has effective and appropriate ways to manage working with vulnerable people and legal compliance;
 - 2.2.5. Ensuring that reasonable steps are taken to protect people from abuse, neglect or exploitation
 - 2.2.6. Managing reports of abuse, neglect or exploitation and ensuring that any report is dealt with transparently and swiftly.
- 2.3. All Managers of Mudlark must:
 - 2.3.1. Promote a positive culture towards safeguarding;
 - 2.3.2. Implement this policy in their area of responsibility;
 - 2.3.3. Ensure that the risks of incidents have been considered in their area of responsibility;
 - 2.3.4. Ensure that there are appropriate controls in place to prevent, detect and respond to incidents;
 - 2.3.5. Ensure that all personnel are aware of their obligations to report suspected incidents of abuse, neglect or exploitation;
 - 2.3.6. Provide support for personnel in undertaking their responsibilities.
 - 2.3.7. Facilitate the reporting of any suspected abuse, neglect or exploitation;
 - 2.3.8. Ensuring that any incident is dealt with transparently and accountably.
 - 2.3.9. Provide an environment that is supportive of everyone's emotional and physical safety
- 2.4. All Personnel of Mudlark must:
 - 2.4.1. Familiarise themselves with this policy and the associated Code of Conduct and comply with it at all times;
 - 2.4.2. Report any incident to the appropriate person or authority outlined in the Procedure when it is reasonable to suspect that a person's safety or welfare is at risk.
 - 2.4.3. Contribute to an environment that is supportive of everyone's emotional and physical safety.

3. MANAGING RISKS

- 3.1. The way Mudlark manages the risks of working with vulnerable people will be:
 - 3.1.1. Holistic. Mudlark and its stakeholders will work to prevent, detect and take action on incidents.
 - 3.1.2. Risk-based and proportionate. Mudlark will regularly assess the risks to people in its operations and develop proportionate controls to mitigate those risks.
 - 3.1.3. Lawful. Mudlark will ensure that it understands and complies with the law in everything it does, in all jurisdictions in which it works.

4. TRAINING AND EDUCATION

- 4.1. Training and education are important to ensure that everyone working with Mudlark understands that safeguarding is everyone's responsibility. Mudlark supports its personnel through ongoing education, supervision, and monitoring to develop their skills in ensuring the safety of vulnerable people and their protection from abuse neglect or exploitation.
- 4.2. New personnel are provided with information and supervision to ensure they understand Mudlark's commitment to safeguarding and the fact that everyone has a role to play in protecting vulnerable people from abuse, neglect and exploitation, as well as checking that their behaviour towards vulnerable people is safe and appropriate (please refer to Mudlark's Code of Conduct for Working with Vulnerable People). New managers are provided with specific training and induction to ensure they are able to carry out their responsibilities under this Policy.

5. RECRUITMENT

- 5.1. Mudlark will develop recruitment advertisements and selection criteria that clearly demonstrate our commitment to safeguarding, and an awareness of our social and legislative responsibilities.
- 5.2. Mudlark understands that when recruiting personnel that we have ethical as well as legislative obligations.
- 5.3. When vulnerable people are engaged or likely to be engaged with an activity or project, Mudlark will take all reasonable steps to employ personnel that are appropriately qualified to work with vulnerable people.
- 5.4. All personnel engaged with Mudlark Theatre in any capacity, including volunteers, are required to hold a valid Working With Vulnerable People check and to provide evidence of this check. (Please see the [Tas Gov Working with Vulnerable People website](#) for more information).

6. ENGAGING A VULNERABLE PERSON ON A PROJECT

- 6.1. Before taking on a project that may require a vulnerable person's involvement, or engaging a vulnerable person on a project, Mudlark will consider the parameters, scope, impact and content of the work. If we believe the project would or could pose a safeguarding risk to the vulnerable person, we will either seek an alternative person to fill the role, or decline to take on the project.
- 6.2. If a vulnerable person is to be engaged on a project, the Artistic Director will meet with the vulnerable person and their parent/guardian before the commencement of the project and discuss:
 - 6.2.1. This Safeguarding policy and related procedures and how Mudlark can support them
 - 6.2.2. The parameters /scope / impact / content of the work
 - 6.2.3. How the rehearsal process will be managed
 - 6.2.4. Any concerns the vulnerable person or their parent/guardian may have about their role
 - 6.2.5. The role of the parent/guardian in supporting the vulnerable person throughout the projectThe discussion and any agreements made will be documented and provided in writing to the vulnerable person and their parent/guardian.
- 6.3. The parent/guardian will be invited to be present for the first read through of the script and be given a chance to raise any questions or concerns about the work.

7. REHEARSAL ROOM, PERFORMANCE AND TOURING PROTOCOLS

- 7.1. The parent/guardian of the vulnerable person is welcome to be present in the rehearsal room if they and the vulnerable person desire.
- 7.2. The vulnerable person must never be alone with any personnel. Another adult must be present at all times. In the rare event that another adult is not available, the personnel with the vulnerable person must take all reasonable steps to ensure the safety of the vulnerable person, which may include ensuring doors are left open or other vulnerable people are present.
- 7.3. There will be no private communication with a vulnerable person.
 - 7.3.1. All emails will cc the parent/guardian
 - 7.3.2. The parent/guardian will be invited to be part of any group chats or group messages
 - 7.3.3. Phone calls should be directed to the parent/guardian
 - 7.3.4. All one-on-one conversations will be carried out with another adult present
- 7.4. Vulnerable people may not be transported in private vehicles unless there is a parent/guardian or another adult present.
- 7.5. If the vulnerable person is touring with the Company, their parent/guardian must accompany them on the tour and be responsible for them outside of working hours.

8. ALLEGATIONS, CONCERNS AND COMPLAINTS

- 8.1. Mudlark takes all allegations seriously and has procedures in place to investigate thoroughly and quickly.
- 8.2. All personnel must, as soon as practicable, report any suspicion that an incident has taken place, may be taking place, or could take place. They may do this through direct reporting to:
 - 8.2.1. Any member of the board;
 - 8.2.2. The General Manager or Artistic Director;
 - 8.2.3. The Director or Production Manager of the project they are working on;
- 8.3. If a person believes that another person is at risk of immediate harm or the victim of a criminal offence, they must dial 000.
- 8.4. All suspected, perceived, potential or actual incidents will be managed through the Incident Response Plan.
- 8.5. Harassment, abuse, neglect and exploitation are all serious misconduct and Mudlark reserves the right to:
 - 8.5.1. Take disciplinary action against those it believes are responsible, which may include dismissal;
 - 8.5.2. Take civil legal action;
 - 8.5.3. Report the matter to law enforcement.

9. FAIR PROCEDURES

- 9.1. The safety and wellbeing of vulnerable people is Mudlark's primary concern. Mudlark aims to be fair and just to personnel. The decisions Mudlark makes when recruiting, assessing incidents, and applying disciplinary action will be thorough and based on evidence.
- 9.2. Mudlark will record all allegations of abuse and safety concerns using Mudlark's incident reporting form, and follow the Incident Response Plan.

- 9.3. Mudlark will ensure all records relating to incidents, allegations or complaints are stored securely and privacy respected.
- 9.4. If an allegation of abuse, neglect or exploitation, or a safety concern is raised, Mudlark will provide updates to the vulnerable person involved, including their parent or guardian on progress and any actions taken.

10. PRIVACY

- 10.1. All personal information considered or recorded will respect the privacy of the individuals involved, unless there is a risk to someone's safety.
- 10.2. Mudlark has safeguards and procedures in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

11. LEGISLATIVE RESPONSIBILITIES: CHILD SAFETY

- 11.1. Mudlark takes its legal responsibilities seriously. Mudlark acknowledges that like all Tasmanians, its personnel have an obligation to report to police any reasonable belief that child abuse has occurred.
- 11.2. Mudlark understands and acknowledges that in Tasmania a person will commit an offence if they reasonably believe that child abuse has occurred and fails, without reasonable excuse, to inform a police officer as soon as practicable.
- 11.3. Personnel who are mandatory reporters must comply with their obligations.

12. REPORTING

- 12.1. Inappropriate behaviour will be reported through appropriate channels, including the [Strong Families Safe Kids Advice and Referral Line](#) and the Tasmania Police, depending on the severity and urgency of the matter. Mudlark will:
 - 12.1.1. Report any suspicion of a criminal offence to the police or the relevant criminal judicial body;
 - 12.1.2. Seek the advice of the Strong Families Safe Kids Advice and Referral Line on incidents involving children.

13. REVIEW

This policy will be reviewed no more than two years after the date of approval (version) or more frequently, if dictated by operational demands or legislative changes.

CODE OF CONDUCT FOR WORKING WITH VULNERABLE PEOPLE

SCOPE

All Personnel of Mudlark are required to abide by this Code.

MUDLARK'S RESPONSIBILITIES

Mudlark is:

- a. Responsible for the overall welfare and wellbeing of all personnel engaged with the company.
- b. Accountable for managing and maintaining a duty of care towards all personnel.
- c. Committed to providing information and support to all personnel, vulnerable people and their parents, guardians, and carers regarding safeguarding matters.

RESPONSIBILITIES OF PERSONNEL

1. All personnel working with vulnerable people, including those with responsibility for the care of children on behalf of Mudlark will:
 - a. Work towards the achievement of Mudlark's purposes and aims in respect of safeguarding.
 - b. Be aware of their own responsibilities and duty of care in relation to working with vulnerable people.
 - c. Establish and maintain a safe environment for all people in the course of their work or involvement with Mudlark.
 - d. Treat vulnerable people with respect and value their ideas and opinions.
 - e. Act as positive role models in their conduct with vulnerable people
 - f. Be professional in their actions
 - g. Maintain strict impartiality
 - h. Operate within Mudlark's policies, procedures and guidelines, including compliance with specific organisational guidelines on safeguarding and working with vulnerable people.
 - i. Participate in risk assessments and risk management relating to working with vulnerable people when required.
 - j. Respect the privacy of vulnerable people, their parents, guardians, families, teachers and carers, and only disclose information to people who have a need to know.
 - k. Contact the police if a child or vulnerable person is at immediate risk of abuse, telephone 000.
2. No person engaged by Mudlark to work with vulnerable people within its programs and activities will:
 - a. Shame, humiliate, oppress, belittle or degrade vulnerable people.
 - b. Unlawfully discriminate against any vulnerable person.
 - c. Engage in any activity with a vulnerable person that is likely to cause them physical or emotional harm.
 - d. Initiate unnecessary physical contact with a vulnerable person, or do things of a personal nature for them that they can do for themselves.
 - e. Be alone with a vulnerable person unnecessarily and for more than a very short time.
 - f. Develop a 'special' relationship with a specific vulnerable for their own needs.
 - g. Show favouritism through the provision of gifts or inappropriate attention

- h. Arrange contact, including online contact, with vulnerable people outside of Mudlark's programs and activities.
- i. Photograph or video a vulnerable person without the consent of the vulnerable person and their parents or guardians if applicable.
- j. Work with vulnerable people while under the influence of alcohol or illegal drugs;
- k. Engage in open discussions of a mature or adult nature in the presence of children or young people.
- l. Use inappropriate language in the presence of children or young people;
- m. Do anything in contravention of Mudlark's policies, procedures or this Code of Conduct.

CODE OF CONDUCT BREACHES

Any personnel who breach this Code of Conduct will face disciplinary action, including and up to the termination or cessation of their engagement or involvement with Mudlark.