

Duty of Care guideline



Foreword:

Increasingly, young people are taking active and exciting opportunities to be involved in the performing arts throughout Aotearoa. This may include; performing arts training programmes/events, rehearsals and theatre shows. It is paramount that children are proactively considered and planned for by Societies, educators, production teams, volunteers, creative teams and overarching committees to ensure they do not inadvertently come into harm while participating in the theatre space. The following guide references numerous resources and is compiled to provide an adjustable template, highlighting some of the key areas involved in duty of care; and should supplement a formal child protection policy. It is designed for anyone working with children in the theatre space, as well as parents/caregivers with the intention of creating clear and well communicated parameters to protect and guide all involved.

Disclaimer:

All due care has been taken in the assembling of this document for the benefit of the MTNZ membership and theatre community. Multiple sources have been consulted (and provided in reference) during the creation of this document. It has been compiled to the best of our knowledge and MTNZ holds no liability for any omissions, oversight, error or exclusions. Nor is MTNZ liable for any damage, injury or action resulting from the interpretation or chosen application of it.

Overview:

What is duty of care:

The fundamental obligation that anyone working in child care, whatever the type of service and whatever their role, is to keep children safe. The legal term duty of care refers to this obligation and has major implications for the organisation and operation of services. Duty of care not only applies to child care but also in a broader context of anyone responsible for the wellbeing of children/young persons.

It extends for the entire time a child is in care/supervision until they are safely handed back to their caregiver; even if the timeframe for care has extended beyond what was agreed between caregivers and staff/volunteers.

Who is responsible:

The director of the training facility - or production manager of the show, and any adult staff (persons over 18) or volunteers owe a duty of care to the children attending.

Parents/caregivers of children who are in care should be equally engaged and share this concern and priority.

What classifies a child/young person:

A child is someone under the age of 14 years and a young person is someone aged 14 years and over, but under 18 years who is not or has never been married or in a civil union (section 2, CYP&F Act).

Attributes of attentive supervision:

Volunteers/staff should be: active, involved and attentive to changing circumstances and dynamics with their group. Effective supervisors will be reacting and interacting in the following ways: watching, encouraging, questioning, reminding, laughing, scanning, directing and redirecting behaviour.

SUGGESTED ACTION: the people working with children in (NAME OF SHOW) have been provided information, support and guidance on how to be an effective supervisor.

When things go wrong:

Child abuse or neglect include: Physical abuse, sexual abuse, emotional/psychological abuse e.g. family violence, exposure to illegal activities, rejection, verbal abuse; neglect e.g. medical neglect, abandonment, neglectful supervision which is likely to incur in a manner likely to cause the child actual bodily harm, injury to health or any mental disorder or disability.

New Zealand statutory rape law is violated when an individual has sexual contact with a person under age 16. The age of consent is raised to age 18 if the offender is in a guardianship role.

SUGGESTED ACTION: Should any instance of harm occur Hamilton Operatic Society's Child Protection Policy will be referred to for follow up procedures.

Appointing a children's coordinator:

It is recommended that in a theatrical production setting a society should appoint a Children's Co-ordinator who is responsible for chaperoning minors during all rehearsals and show times. This includes ensuring an authorised person, parent or guardian collects their charge at the end of each session. To ensure sufficient supervision, it is recommended that one chaperone is required per five minors. Children's Coordinators also act as a point of contact for both parents/ guardian and production personnel regarding all information, or concerns, to do with the Society's production.

SUGGESTED ACTION: The children's coordinator appointed for (NAME OF SHOW) is:

Staffing and all personnel:

Parents will be advised who holds the primary responsibility for the wellbeing and safety of their children/youth in advance and methods for communication will be made clear.

Standard checks of key appointed child carers may include:

- An ID check (An original primary document (e.g. passport or a full birth certificate) plus a secondary document (e.g. a driver's licence), one which has a photo, verified the producer of the show or director/coordinator of a programme.
- An interview (questions asked of an applicant during an interview to assess any risks that may be posed to the safety of children).
- A referee check (at least one referee contacted and asked about an applicant to assess any risks that may be posed to the safety of children).
- Key appointed child supervisors may require a Standard Police Vet (A standard Police vet (subject to the clean slate scheme but including disclosure of any convictions for CA specified offences (Schedule 2 of the CA)) - this incurs a fee and may be reserved for key appointed child carers.

SUGGESTED ACTION: the methods of preferred communication and contact have been outlined to parents/caregivers

SUGGESTED ACTION: methods for screening appointed child carers have been identified and implemented they are:

A suitable environment:

'Environment' is the social, emotional and physical aspects of the theatre, rehearsals or performance education programme. A positive, child focused and culturally-responsive environment will ensure that all children feel welcome, included and valued as individuals. In the theatre application this may include the theatre, rehearsal rooms, or performing arts education applications.

1. The setting provides for a culturally-responsive, positive, age and child-appropriate environment for either learning or staging a show.
2. In a teaching environment there is a stimulating and varied programme of activities which are child focused, appropriate for the children's ages, diversity and development; and allows room for choice.
3. Premises are safe and comply with all relevant legislation as well as local city or district council requirements.
4. The premises have toilets, eating areas and access to phone services.
5. There is adequate and appropriate space for the children relative to the number of children present and the nature of the setting (i.e. stage show, learning programme).

SUGGESTED ACTION: the environment has been considered with the above points in mind and meets the expectations of Hamilton Operatic Society. The show leadership team have been briefed on maintaining a suitable environment, and any steps they can take. Volunteers have been made aware of maintaining a suitable and age-appropriate environment.

Safe premises:

Health and safety processes must be used to identify and mitigate hazards on the premises, including:

1. The proximity of roads, car parks or railway lines.
2. Fencing of bodies of water including streams and drains.

3. Theatre specific hazards such as backstage, fly floor, ladders and heights, trip hazards, set movement pathways, sound and lighting related hazards, low lighting pathways etc.,

(a tour outlining these hazards and spaces for young people is recommended, some areas may be restricted for unaccompanied children, and these will be clearly identified, some areas may require a chaperone to enter).

4. Performance related hazards; such as dance and movement safety or physical health and wellbeing.
5. The management of pets and animals.

SUGGESTED ACTION: Children/minors should be considered as part of the overall risk assessment of a show/production.

SUGGESTED ACTION: Possible hazards specifically pertaining to children have been identified and minimised.

SUGGESTED ACTION: The building will be maintained and serviced to promptly identify hazards, breakages or maintenance issues and have these addressed to mitigate any potential harm.

SUGGESTED ACTION: Medications will be administered only when written permission and instructions are given to the programme coordinators, production manager or appointed child coordinator; including pain medication.

Hours of engagement with juvenile performers:

It is not recommended that a child be in a training, rehearsal or performing environment for longer than 6 hours in any given day for children up to the age of 8; 8 hours for ages from 8-11; and 10 hours for ages from 12-16 (unless discussed and agreed with the caregiver).

12 hours between rehearsals/learning sessions is recommended to ensure adequate rest.

SUGGESTED ACTION: the creative team have been briefed and are factoring hours of engagement with children into the rehearsal schedules.

Toilets and changing facilities:

All toilet/changing facilities at the premises and off site will be safe, clean and appropriate for children; ensuring privacy and discretion. Decisions around appropriate supervision and access to the changing areas will be pre-determined by the **(PRODUCTION**

MANAGER/DIRECTOR) to prevent circumstances of indecency, humiliation or sexual violation of a child in any form.

SUGGESTED ACTION: Restrict access of public (including parents), unvetted volunteers, or those not directly employed (volunteer or other) by the show/programme (such as other circumstantial volunteers) while children/youth are changing.

SUGGESTED ACTION: Young children will be chaperoned around the theatre by the children's coordinator.

SUGGESTED ACTION: The use of mobile phones and cameras will be restricted in the changing areas established around the theatre.

Eating areas:

The venue will demonstrate and provide:

1. A clean and hygienic eating area that includes suitable seating for children.
2. A clean and hygienic food storage, preparation and handling practices, and access to water.
3. Enough time to allow for appropriate refreshment.

SUGGESTED ACTION: Creative teams should consider requirements for rest and refreshment in their rehearsal planning and execution.

SUGGESTED ACTION: Children and young people under 18 should not be permitted offsite to collect food unless permitted in writing by the parent, with an outline of who is permitted to escort/transport them. This will be provided to the primary supervisor, creative team member responsible for the rehearsal, or child coordinator on that day.

Access to online services:

Online safety is becoming an increasingly significant issue to consider in safeguarding children and young people. Scenarios where younger children are participating in online content with older children should be discouraged. Access to the internet during free time should be restricted, unless data is available on an individual's phone/device. Concern escalated to staff/volunteers around a minor's use of/exposure to the internet while in the care of the theatre/education facility will be investigated thoroughly, with parents informed immediately.

It is forbidden for anyone involved in the show or programme to post offensive, abusive or inappropriate content; share misinformation; attack, bully, troll or insult others online. Content regarding anyone under the age of 13 should not be loaded online without permission from their caregiver.

SUGGESTED ACTION: provide a clear, protective and well thought out overview to cast, crew and production team outlining expectations around the use of digital technology, internet access and online content; and anticipated outcomes if these expectations aren't met.

SUGGESTED ACTION: a society should have an anti-bullying/harassment policy in place - available for all involved in the show.

SUGGESTED ACTION: Encourage parents/caregivers to play an active role in ensuring any device permitted with the child is actively protected and supervised.

Photography:

Professional and promotional photography will occur with the permission of the caregiver; with expected scenarios for use outlined in a supplementary document. Social photos between cast, crew or students should only be taken of others and posted online with the permission of anyone featuring in the photo; and if under 13, caregivers must provide consent.

SUGGESTED ACTION: provide an outline of expected scenarios for photography to cast, crew and parents/caregivers.

Phone services:

There is a phone service that is available for emergencies and for parents to communicate with the theatre at all times. The number is **XXXXXXXXXXXXX**.

The use of mobile technology will be reserved for the shared common areas. Taking photos or video content see above recommendation.

Private messaging:

Independent private messaging groups or services created should not be used between children or minors involved in (NAME OF SHOW) (i.e. created by another adult volunteer, or cast member). An official group chat may be created for show communications, no alternate groups should be created.

Excursions:

In a performance learning environment featuring an excursion, supervisors are expected to take a mobile phone. Where there is no phone coverage, services must have a back-up plan to be able to contact emergency services. Parents must be notified about arrangements prior to going off-site, and give written permission.

In a show setting it is unlikely that there will be an organised excursion off-site from the rehearsal rooms or theatre space.

Emergency procedures:

SUGGESTED ACTION: Staff have been briefed on emergency procedures, and are aware of the health and safety policy of the venue. In the event of an accident or incident the health and safety policy will guide the response.

Discretionary content:

Young people may be involved in a show/performance where certain content is concerning, objectionable or distressing. Age appropriate screening from such content will be ensured; and consultation with caregivers sought where uncertainty is present amongst organisers/creative teams or production teams.

SUGGESTED ACTION: ask the director to assess the show content and identify key areas as above, work through with stage management and childrens coordinators on logistics around screening children.

Non-minors in the theatre/education facility:

All operational non-minors are expected to consider, as a matter of course, the wellbeing of every child encountered in the course of their duties and act to protect children when they

have concerns — this is not just the responsibility of our specialist employees. (Name of Production Manager/Director) will ensure our operational volunteers involved in the show/education programme know their statutory responsibilities.

Behaviour management

Staff/volunteers:

Hamilton Operatic Society expects a high standard of behaviour at all times in order to promote a safe, physical and emotional environment for our young people. This is to facilitate an atmosphere where children feel valued and can learn and/or perform to the best of their abilities. Non-minors have a responsibility to model and foster healthy social interactions and focus on positive statements acknowledging respectful, supportive, positive behaviours.

SUGGESTED ACTION: Key personnel most actively involved with minors will be equipped and supported to manage inappropriate behaviour or behavioural incidences by the society.

All (NAME OF SHOW) employees/volunteers/production team members have an obligation to: act professionally, ethically and with integrity, and adhere to the standards of behaviour set out in the Hamilton Operatic Society Code of Conduct (if society has one).

Children have the right to be heard, listened to, and taken seriously considering their age and understanding.

Children/minors relating to one another:

To support children and encourage them to take responsibility for their behaviour staff will guide positive behaviour outcomes.

Staff and children have a right to work in a safe and positive environment, demonstrating respect for others.

Bullying in any form has no place and is not tolerated; Hamilton Operatic Society's policy on anti-bullying and harassment will be referred to in this instance.

SUGGESTED ACTION: Children will have expected behaviours and guidelines presented to them in an age appropriate way, so they are aware of expectations.

SUGGESTED ACTION: Children will be made aware of the process of escalating these types of incidences; and a clear process will be followed.

When things go wrong:

Investigation of concerns about employees/volunteers:

All allegations or concerns about the conduct of employees/volunteers in relation to a child protection matter, or the way an employee has engaged with children, must be: investigated and responded to in a timely way. The safety of children and appropriateness of the volunteer/instructor/staff continuing in that role will be considered; with immediate steps taken to reduce contact while the issue is investigated and resolved.

Where allegations of child abuse or neglect have been made involving employees/volunteers: the allegations must be investigated in accordance with Hamilton Operatic Society's child protection policy outline.

Serious misconduct will be addressed as outlined in Hamilton Operatic Society's child protection policy (as referenced in the previous sentence) and may result in a referral to the NZ Police.

SUGGESTED ACTION: All involved will be briefed on how to raise concern, and who is the correct person/people to bring a concern to.

References:

1. https://ww2.rch.org.au/emplibrary/ecconnections/CCH_Vol9_No1_March2006.pdf
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3. <https://education.govt.nz/assets/Documents/School/Traumatic-incidents-and-emergencies/MoE-STA-CYFProtocolForReportingActualOrSuspectedChildAbuseNov09Amendment-3-2015.pdf>
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5. <https://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/policy-development/out-of-school-services/oscar-approval-standards-guidelines/oscar-standards-for-approval-and-provider-guidelines.pdf>
6. Child Welfare Practice Handbook, Dr Steeven's Hospital (2011)
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9. <https://www.etnz.org/wp-content/uploads/2018/05/Safety-Guideline-Version-14-April-2018.pdf>