

## Chapter 12

### Health and Safety, Duty of Care and Child Protection

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## Health and Safety

Adopted Sept 2004. Reviewed 2005, 2015. Next review June 2017

<b>Policy Statement</b>	Glenroy Neighbourhood Learning Centre is committed to providing a healthy and safe working and environment for all staff, volunteers, contractors, visitors and students. Staff time, professional development and associated expenditure will be allocated to ensure that occupational health and safety is maintained.
<b>Guiding Principles</b>	<p><b>Roles and Responsibilities</b></p> <ul style="list-style-type: none"> <li>▪ The Management Committee of Glenroy Neighbourhood Learning Centre has a duty to provide and maintain so far as is practicable a safe and pleasant working environment. The Manager is responsible for overseeing occupational health and safety.</li> <li>▪ Glenroy Neighbourhood Learning Centre recognises that the health and safety of all within the organisation is the responsibility of both management and staff and volunteers. Thus the duty of care is equal between management and staff and volunteers.</li> <li>▪ All staff and volunteers are required to be actively involved in pursuing and promoting occupational health and safety.</li> </ul> <p><b>Documentation</b></p> <ul style="list-style-type: none"> <li>▪ Staff will be informed of the procedures associated with H &amp;S, Incident and Accident Reporting, First Aid Reports, Evacuation Procedures and other relevant information. Where appropriate, this information will be discussed with learners and participants.</li> <li>▪ The prompt, and if possible, same day recording of information about accidents, near misses and potential Workcover Claims is essential.</li> <li>▪ The documentation of all follow up of incidents is a priority.</li> </ul> <p><b>Health and Safety Committee</b></p> <ul style="list-style-type: none"> <li>▪ The H&amp;S Committee comprised of the elected Staff representative, the union representative, student/participant representative and the Manager, will meet regularly to review issues, monitor implementation of strategies to ensure a healthy and safe workplace and advise on action. The work of the H &amp; S Committee will be reported to the Management Committee, and staff each month and to students / participants in the centre via the student notice board.</li> <li>▪ The elected staff representative will carry out monthly inspections in work time according to checklists agreed at the H &amp; S Committee. The elected staff representative will</li> </ul>

	<p>represent staff concerns to the Manager and will be involved in assessing and acting on reported unsafe conditions according to agreed procedures. The Manager will table this reports at Management Committee meetings.</p> <p><b>First Aid</b> The Centre will ensure that an adequate number of appropriate staff are trained in first aid and are publicised as first aid officers.</p>
<b>Legislation and Regulations</b>	<p>Glenroy Neighbourhood Learning Centre complies with:</p> <ul style="list-style-type: none"> <li>▪ Building Regulations 2006.</li> <li>▪ Education and Training Reform Act 2006.</li> <li>▪ Education and Training Reform Regulations 2007.</li> <li>▪ Fair Work Act 2009.</li> <li>▪ Occupational Health and Safety Act 2004.</li> <li>▪ Occupational Health and Safety Regulations 2007.</li> <li>▪ Privacy Act 1988.</li> <li>▪ Privacy Regulations 2006.</li> <li>▪ Public Records Act 1973.</li> <li>▪ Relevant legislative and statutory obligations such as the Australian Quality Training Framework (AQTF) and Victorian Registration and Qualifications Authority (VRQA) Guidelines for Vocational Education and Training (VET) Providers.</li> </ul>
<b>Relevant Policies and Procedures</b>	Health and Safety Procedures

## Duty of Care

Reviewed 2007, 2015. Next Review 2016

<b>Policy Statement</b>	<p>All staff at Glenroy Neighbourhood Learning Centre (the Centre) are required to exercise a high standard of care in relation to all students, participants and Centre Users. Duty of care requires all staff to take all reasonable steps to reduce risk, including:</p> <ul style="list-style-type: none"> <li>▪ provision of suitable and safe premises</li> <li>▪ provision of an adequate system of supervision</li> <li>▪ implementation of strategies to prevent bullying</li> <li>▪ ensuring that medical assistance is provided to a sick or injured student</li> <li>▪ managing employee recruitment, conduct and performance.</li> </ul> <p>Particular duty of care responsibilities exists for all students and participants under 18 years of age and additional responsibilities and procedures are to be put in place and implemented for children under the age of 5.</p>
<b>Definitions</b>	<p><i>Duty of care</i> means the responsibility that employees at Glenroy Neighbourhood Learning Centre have to prevent injury or harm to students, participants and other Centre Users. <i>Duty of care</i> is an element of the tort of negligence. In broad terms, the law of negligence provides that if a person suffers injury as the result of the negligence of another, they should be compensated for the loss and damage which arises from the negligent act or omission.</p> <p><i>Reasonable grounds</i> means a belief formed if a reasonable person in the same position would have formed the belief on the same grounds. It is not the same as having proof, but is more than mere rumour or speculation.</p>
<b>Guidelines</b>	<p><b>Claim in Negligence</b></p> <p>In order to successfully bring a claim in negligence for compensation for an injury, a person must establish, on the balance of probabilities, that:</p> <ul style="list-style-type: none"> <li>▪ a duty of care was owed to the person harmed at the time of the injury</li> <li>▪ the risk of injury was foreseeable</li> <li>▪ the likelihood of the injury occurring was more than insignificant</li> <li>▪ there was a breach of the duty of care or a failure to observe a reasonable standard of care</li> <li>▪ this breach or failure was a cause of the injury.</li> </ul> <p>The fact that a duty of care exists does not of itself mean that the Centre will be liable for an injury sustained by a student. In order for the student to succeed in a negligence claim, all of these elements must be established.</p>

	<p><b>Teacher-student relationship</b></p> <p>Whenever a teacher-student relationship exists, teachers have a special duty of care. This has been expressed as: “a teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher’s charge from risks of injury that the teacher should reasonably have foreseen.” (<i>Richards v State of Victoria</i>).</p>
	<p><b>Precautions</b></p> <p>The important issue in all cases will be what precautions could reasonably be expected to have taken to prevent the injury from occurring. This will involve consideration of the following factors:</p> <ul style="list-style-type: none"> <li>▪ the probability that the harm would occur if care were not taken</li> <li>▪ the likely seriousness of the harm</li> <li>▪ the burden of taking precautions to avoid the risk of harm</li> <li>▪ the social utility of the activity that creates the risk of harm.</li> </ul> <p>It can be the case that Duty of Care extends beyond timetabled hours of attendance and outside the Centre’s grounds.</p>
	<p><b>Negligent advice</b></p> <p>Teachers and other staff members are frequently called upon to advise students and other Centre Users. When doing so staff should:</p> <ul style="list-style-type: none"> <li>▪ limit their advice to areas within their own professional competence and given in situations arising from a role specified for them by the Manager</li> <li>▪ ensure that the advice they give is correct and in line with the most recent available statements from institutions or employers. A record needs to be kept of any advice given to students regarding pathways planning.</li> <li>▪ avoid giving advice in areas where they may lack expertise.</li> </ul>
	<p><b>Particular responsibilities</b></p> <p>All stakeholders need to be aware of the particular responsibilities associated with</p> <ul style="list-style-type: none"> <li>• children under five (5) years of age, such as those attending occasional childcare,</li> <li>• learners under eighteen (18) years of age such as those in the Victorian Certificate of Applied Learning (VCAL), and</li> <li>• learners with a mild intellectual disability.</li> </ul> <p><b>Review of procedures</b></p> <p>Glenroy Neighbourhood Learning Centre will ensure that procedures are reasonable and in place to protect students under 18 from risks of injury while under the teacher’s control and supervision. Procedures developed to ensure Duty of Care will be reviewed at least annually.</p> <p><b>Outside agencies</b></p> <p>In establishing programs with an outside agency Glenroy Neighbourhood Learning Centre staff will be responsible in</p>

	<p>establishing a process, which ensures that reasonable care for health and safety of the student will be taken.</p> <p><b>Risk assessments</b></p> <p>Risks inherent in particular activities will be assessed and appropriate safety/harm prevention strategies implemented. This Risk Assessment will be reported</p> <ul style="list-style-type: none"> <li>▪ to the Health and Safety Committee for ongoing activities</li> <li>▪ to the Education Manager for prior approval for one off activities such as excursions.</li> </ul> <p><b>Dispensing medicine</b></p> <p>While every effort will be made to accommodate students with medical needs, GNLC staff are not permitted to administer non prescribed medication.</p> <p>Prescribed medication will only be administered with parent/guardian authorization on medical advice.</p>
<b>Mandatory Reporting</b>	<p>All staff have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of children and students under the age of 16 years. In cases where there are reasonable grounds to believe that physical abuse, sexual abuse or neglect are occurring, staff are mandated by law to report the matter. All concerns must be reported immediately to the Manager who will contact Department of Human Services.</p>
<b>Legislation and Regulations</b>	<p>Glenroy Neighbourhood Learning Centre complies with:</p> <ul style="list-style-type: none"> <li>▪ Children, Youth and Families Act 2005.</li> <li>▪ Children Wellbeing and Safety Act 2005.</li> <li>▪ Occupational Health and Safety Act 2004.</li> <li>▪ Occupational Health and Safety Regulations 2007.</li> <li>▪ Tobacco Act 1987.</li> </ul>
<b>Relevant Policies and Procedures</b>	<p>Youth Specific Procedures</p> <p>Childcare Policies and procedures</p> <p>Structured Workplace Learning Placements Policy</p>

## Child Protection Policy

Developed 2005, Reviewed 2007, 2015.

<b>Policy</b>	Glenroy Neighbourhood Learning Centre supports the rights of the child and of young people who come to the Centre. We are committed to developing procedures and strategies to ensure a safe environment at Glenroy Neighbourhood Learning Centre at all times.
<b>Definitions</b>	<i>Child</i> means any person under 18 years of age <i>Abuse</i> means physical abuse, emotional abuse, neglect, and sexual abuse.
<b>Guiding Principles</b>	Glenroy Neighbourhood Learning Centre will <ul style="list-style-type: none"> <li>▪ Develop a culture of safety and awareness among teachers, administration staff and volunteers</li> <li>▪ Ensure that reporting procedures for complaints and concerns are confidential, clear, prompt and sensitive.</li> <li>▪ Continue to support the rights of teachers, administrative staff, volunteers and all participants.</li> <li>▪ The Manager is the Child Protection Officer.</li> <li>▪ Strengthen referral, reporting and support networks for Glenroy Neighbourhood Learning Centre.</li> <li>▪ Ensure that all Centre users but particularly children and young people know about their rights and protective behavior strategies.</li> </ul>
<b>Legislation and regulations</b>	<ul style="list-style-type: none"> <li>▪ Children, Youth and Families Act 2005.</li> <li>▪ Occupational Health and Safety Act 2004.</li> <li>▪ Occupational Health and Safety Regulations 2007.</li> </ul>
<b>Policies and procedures</b>	Health and Safety Policies and Procedures Youth Specific Procedures Duty of Care

## Childsafe Policy

Developed 2016

<b>Policy</b>	<p>Glenroy Neighbourhood Learning Centre (Glenroy NLC) is committed to obligations defined in the <i>United Nations Convention on the Rights of the Child</i>. (Glenroy NLC) will build on existing systems to embed and improve a culture of child safety throughout all levels of the organisation. We will implement the Childsafe standards.</p> <p>We will aim to improve the health and wellbeing of all children in our care. We are committed to the cultural safety of all children, including CALD background and Aboriginal children.</p> <p>Glenroy NLC has a zero tolerance of child abuse. All Glenroy NLC employees and volunteers are responsible for care and protection of children and for reporting information about child abuse.</p>
<b>Definitions</b>	<p><b>Child:</b> A person under the age of 18 years.</p> <p><b>Child abuse:</b> Any act committed against a child involving:</p> <ul style="list-style-type: none"> <li>• Physical violence</li> <li>• Sexual offences</li> <li>• Serious emotional or psychological abuses</li> <li>• Serious neglect.</li> </ul> <p><b>Grooming:</b> Purposely creating relationships with victims, their families or carers in order to create a situation where abuse could occur. Parents, carers or other family members may be targeted by perpetrators in order to gain access to a child.</p> <p><b>Cultural abuse:</b> Actions and attitudes that deliberately ignore, denigrate or attack the culture of a person or a community.</p> <p><b>Children from Cultural and/or linguistically diverse (CALD) backgrounds:</b> A child or young person who identifies as having a particular cultural or linguistic affiliation by virtue of place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home, or because of their parents' identification on a similar basis.</p> <p><b>Cultural safety for Aboriginal and CALD background children:</b> The positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination and more than cultural awareness and cultural sensitivity.</p>
<b>Guiding Principles</b>	<p><b>Risk prevention</b></p> <p>Glenroy NLC will implement strategies to prevent and manage child abuse risks, including risks presented by physical and online environments.</p>



	<p><b>Continuous Improvement</b></p> <p>In undertaking our scheduled reviews of policies and procedures, Glenroy NLC and the Manager will ensure that Childsafe standards are included and implemented.</p>
<b>Implementation</b>	<p><b>Training</b></p> <p>Glenroy NLC will ensure that staff and volunteers know and understand this policy and the Childsafe standards. Induction and training in recognizing and responding to child abuse will be provided for staff and volunteers, including identifying grooming, what to do if an allegation is made or a concern is raised, or if staff observe abusive behaviour towards a child. Child safe Code of conduct will be included in induction material.</p> <p><b>Publicity</b></p> <p>Glenroy NLC will publicise that it is a child-safe organisation by displaying a Childsafe Charter in the centre, on our website. A statement regarding child safety will be included in the enrolment information given to students and parents of children.</p>
<b>Legislation and Regulations</b>	<p>United Nations Convention on the Rights of the Child</p> <p>Child Safety and Wellbeing Act 2005</p> <p>AQTF Essential Conditions and Standards for Continuing Registration Victorian</p> <p>The Victorian Childsafe standards (childsafestandards@dhs.vic.gov.au)</p>
<b>Relevant Policies and Procedures</b>	<p>Child safe Code of conduct for staff and volunteers (to be developed)</p> <p>Youth Specific Policies and Procedures (to be reviewed)</p> <p>Childcare Policies and procedures (to be reviewed)</p> <p>Incident Reports</p> <p>Mandatory Reporting Guidelines (to be developed)</p>

<b>Critical Incident Policy</b>	
Developed 2015. Review 2018	
<b>Policy</b>	Glenroy Neighbourhood Learning Centre (the Centre) will ensure that it prepares for and responds swiftly and effectively to emergency situations, with the foremost goals of preserving life, protecting the organisation's property, and restoring operations as quickly as possible.
<b>Definitions</b>	<p><b>An emergency</b> is an unplanned or imminent event that affects or threatens the health, safety or welfare of people, property and infrastructure, and which requires a significant and coordinated response. The defining characteristic of an emergency event or situation is that usual resources are overwhelmed or have the potential to be overwhelmed. Emergency situations that may occur include:</p> <ul style="list-style-type: none"> <li>▪ fire</li> <li>▪ gas or water leak</li> <li>▪ vehicle and other accidents</li> <li>▪ chemical, radiation or biological spill</li> <li>▪ storm</li> <li>▪ earthquake</li> <li>▪ bomb threat</li> <li>▪ civil disorder or illegal occupancy</li> <li>▪ hostage or terrorist situation</li> <li>▪ death</li> <li>▪ robbery</li> <li>▪ physical (including sexual) assaults.</li> </ul> <p><b>A critical incident</b> is an unexpected traumatic event, involving personal or professional threat, which evokes extreme stress, fear or injury. Providing appropriate supports following a critical incident is part of emergency management.</p> <p><b>Emergency management</b> is the coordination of an emergency response and management of recovery. The aim of emergency management is to minimize physical and psychological impacts on all parties and to minimise damage to assets, operations, reputation and staff productivity.</p>

<b>Guiding Principles</b>	<p><b>Protection</b> The organisation is committed to the protection of consumers, staff, volunteers, Committee members, students and visitors during emergencies.</p> <p><b>Planning</b> The Centre will implement procedures in the emergency management plan so that as far as possible, all stakeholders are prepared for events or incidents that stretch our ability to cope beyond normal day-to-day capacity. Through planning, every effort will be made to minimise the negative impacts of emergency situations and critical incidents.</p> <p><b>Risk Assessment</b> Risk assessment processes will identify and control barriers to effective emergency management.</p> <p><b>Responsibility</b> All Centre Users are expected to behave in a way which minimises the risk of emergencies occurring.</p> <p><b>Appointment of Officers</b> The Manager will appoint officers who will have lead responsibility for implementation of emergency and critical incident procedures, including identification of potential situations, developing, documenting and communicating response plans, reporting on actual situations, and reviewing policy and procedures following a disaster or emergency situation.</p> <p><b>Training</b> All staff and volunteers will be trained in disaster and emergency response procedures at induction. Emergency evacuation drills will be undertaken at all sites.</p> <p><b>Support</b> Critical incidents can be a threatening experience and appropriate supports are required to minimise long term effects arising from exposure to the trauma. Critical incident debriefing will be organised. Where appropriate, supportive counselling will be arranged.</p>
<b>Notifications to Worksafe</b>	<p>Worksafe must be notified of incidents occurring in the Centre resulting in:</p> <ul style="list-style-type: none"> <li>▪ the death of a person</li> <li>▪ immediate medical treatment for: <ul style="list-style-type: none"> <li>○ the separation of skin from underlying tissue</li> <li>○ the amputation of any part of the body</li> <li>○ a serious head injury or eye injury</li> <li>○ the loss of a bodily function</li> <li>○ serious lacerations</li> <li>○ an electric shock</li> <li>○ a spinal injury</li> <li>○ immediate medical treatment as an in-patient in a hospital</li> </ul> </li> </ul> <p>Note: When only a medical diagnosis is given but no treatment, then there is no requirement to notify WorkSafe.<sup>i</sup></p> <ul style="list-style-type: none"> <li>▪ medical treatment within forty-eight hours of exposure to a substance</li> <li>▪ collapse, overturning, failure of, or damage to, any item of plant equipment that is required to be licensed</li> </ul>

	<ul style="list-style-type: none"> <li>▪ the collapse or: <ul style="list-style-type: none"> <li>○ failure of an excavation or of any shoring supporting an excavation</li> <li>○ partial collapse of any part of a building or structure</li> </ul> </li> <li>▪ an implosion, explosion or fire the escape, spillage or leakage of any substance, including dangerous goods as defined in the Dangerous Goods Act 1985</li> <li>▪ the fall or release from a height of any plant equipment, substance or object.</li> </ul> <p><b>Note:</b> The same obligations to notify of incidents and dangerous occurrences apply under the Equipment (Public Safety) (Incident Notification) Regulations 2007 such as amusement structures used by volunteers at a school fete or fair.</p>
Relevant Legislation	<p>Work Health and Safety Act 2011 (Commonwealth)</p> <p>Model Work Health and Safety Regulations 2011 (Commonwealth)</p>
Relevant Procedures	<p>Critical Incident and Emergency Procedures</p> <p>Health and Safety Policy and Procedures.</p>