

Skillinvest

Duty of Care and Code of Conduct

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SKILLINVEST LIMITED

DUTY OF CARE AND CODE OF CONDUCT

Skillinvest Core Purpose and Values

We exist to deliver exceptional employment, education and training services, to create opportunities for growth and prosperity for our customers, students, our communities and staff.

We will act with integrity, compassion and respect, and work collaboratively to be the best whilst searching for better ways to benefit our markets.

P.R.I.D.E

- 1) Progressive Spirit** Leading not following, striving to make a difference, searching for better ways.
- 2) Respect** Recognising equality and diversity, acting with compassion and respect.
- 3) Integrity** Honesty and ethics in our actions and words. Governance and leadership as an organisation.
- 4) Dedication** Genuine care and commitment to providing opportunities and benefit for our customers, communities and colleagues.
- 5) Exceptional delivery** Doing what we say; flexible and responsive, excellence in all that we do.

This Code describes the standards of conduct expected of our employees, consultants, contractors or volunteers (**staff**). It provides a set of guiding principles to help us make the right decisions. Staff of Skillinvest must not engage in any form of conduct that is prejudicial to the principle objectives of Skillinvest, its staff, clients or stakeholders.

This Code applies in all circumstances connected with work, including but not limited to events and functions outside of normal work hours.

This code also establishes clear expectations and principles for appropriate behavior with children to ensure adherence to and conformance with the Child Safe Standards.

The Code cannot cover every possible situation but affirms Skillinvest's commitment to responsible social and ethical behaviour from all workers. The Code provides a framework of principles for conducting business and dealing with other workers, clients, students, apprentices, trainees and any other individual or organisation engaged in business with Skillinvest.

Equity & Diversity

Skillinvest is committed to an inclusive workplace that embraces and promotes diversity through a range of initiatives including a focus on Aboriginal and/or Torres Strait Islanders, migrant, disability and equal opportunity employment.

We value and respect the unique contributions that people from diverse backgrounds make to the development and success of Skillinvest.

Skillinvest recognises the needs of children from Aboriginal and/or Torres Strait Islander and Culturally and/or Linguistically Diverse (CALD) backgrounds as well as those with a disability will differ markedly. Skillinvest commits to consult with representatives from these cohorts to ensure its policies and practices are culturally safe and appropriate.

DUTY OF CARE

Duty of Care is a legal obligation that requires Skillinvest staff to take reasonable steps to reduce the risk of reasonably foreseeable harm, which can include personal injury (physical or psychological) or damage to property. The reasonable steps that Skillinvest may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

Skillinvest acknowledges:

- That it owes all students, apprentices and trainees a duty of care to take reasonable measures to protect them from risks of injury that should have been reasonably foreseen;
- That it owes a duty to take reasonable care that any student, apprentice or trainee (and other person) on the premises will not be injured or damaged by reason of the state of the premises or of things done or omitted to be done in relation to the state of the premises;
- That it owes a duty to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation;
- That greater measures may need to be taken for younger students, apprentices or trainees or students, apprentices or trainees with disabilities;
- That it needs to provide proper arrangements for on-site supervision of students;
- That it is required to provide proper arrangements for supervision of students when engaged in off-site activities;
- That a special duty of care is required for children in accordance with the Child Safe Standards.

Standard of Care - Students

Teachers and trainers & assessors (**Educators**) are held to a high standard of care in relation to students. The duty requires educators and coordinators to take reasonable steps to minimise the risk of reasonably foreseeable harm, including:

- ensuring compliance with the Child Safe Standards;
- provision of suitable and safe premises;
- provision of an adequate system of supervision;
- implementation of strategies to prevent bullying;
- ensuring that medical assistance is provided to a sick or injured student;
- managing employee recruitment, conduct and performance.

Staff at Skillinvest understand that activities involve different levels of risk and that particular care may need to be taken to support vulnerable students or students with additional needs.

The nature and extent of this duty will vary according to the circumstances. The important issue in all cases will be what precautions Skillinvest could reasonably be expected to have taken to prevent the injury from occurring. This will involve consideration of the following factors:

- identifying the risk of harm;
- the probability that the harm would occur if care were not taken;
- the likely seriousness of the harm;
- the burden of taking precautions to avoid the risk of harm;
- the social utility of the activity that creates the risk of harm.

Skillinvest also understands that it is responsible for ensuring that the premises are kept in good repair and will take reasonable steps to reduce the risk of members of our community suffering injury or damage because of the state of the premises.

Skillinvest staff, parents, carers and students are encouraged to speak to their Department Manager or member of the OH&S committee to raise any concerns about risks or hazards at Skillinvest, or our duty of care obligations.

CODE OF CONDUCT

Professional relationships between Skillinvest staff/contractors and Skillinvest students, apprentices, trainees and clients

Skillinvest staff are expected to behave in a way that promotes the safety, welfare and well-being of students, apprentices, trainees and clients.

While not all staff are required to manage and supervise students, apprentices, trainees and clients it is important for all staff to understand and observe this policy and related policies. Staff who work with young people have a

moral and ethical responsibility in presenting themselves as appropriate role models for those young people. Modeling effective leadership and respect in interactions with young people can have a profoundly positive influence on a young person's personal and social development.

A professional relationship may be compromised if a staff member or contractor:

- Invites Skillinvest students, apprentices, trainees or clients to join their electronic social networking site or accept invitations from these groups to join theirs.
- Attends parties or socialises with Skillinvest students, apprentices, trainees or clients.
- Invites Skillinvest students, apprentices, trainees or clients back to your home or attend their home or accommodation without an appropriate professional reason.

Expectations and principles for appropriate behavior with children in accordance with Standard 3 of the Child Safe Standards

All staff of Skillinvest are responsible for supporting the safety, participation, wellbeing and empowerment of children they come into contact with and must:

- Adhere to Skillinvest's Child Safe Policy at all times and abide by Skillinvest's commitment and obligation to creating a child safe organisation;
- Treat children with respect, including valuing ideas and opinions;
- Take all reasonable steps to protect children from abuse by being vigilant to signs of abuse;
- Provide a welcoming, inclusive and safe environment for all children and young people;
- Promote the cultural safety, participation and empowerment of all children;
- Work with children in an open and transparent way. For example, by ensuring that where appropriate, interactions with children can be observed by other adults;
- Disclose any information of charges, convictions of abuse and all other offence history in accordance with Skillinvest's requirements for all staff to:
 - undertake a Police Check and Working with Children Check or have a valid and current VIT registration (as stipulated in all Employment Contracts and Position Descriptions);
 - notify Skillinvest Management of any charges, convictions of abuse and all other offences that occur subsequent to the Working with Children Check or Police Checks having been undertaken.
- Challenge unacceptable behavior and report all allegations of suspicions of abuse to Skillinvest's designated Child Safety Officers;
- Respect the privacy of children and their families and only disclose information to people on a need to know basis and in accordance with privacy legislation;
- Encourage children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them;
- Recognise the needs of children from different backgrounds, cultures or with different capabilities and ensure their safety through ensuing behaviour that is both culturally, emotionally and physically safe and appropriate, in particular:
 - Aboriginal and/or Torres Strait Islander children;
 - Children from Culturally and/or Linguistically Diverse backgrounds;
 - Children with a disability.

Staff of Skillinvest must not:

- Develop inappropriate relationships with children or young people;
- Display violence behaviour towards a child;
- Ignore or disregard any concerns, suspicions or disclosures of child abuse;
- Initiate unnecessary physical contact with children or exhibit behaviours with children which may be construed as inappropriate;
- Put children at risk of abuse (for example, by allowing unnecessary one-adult/one-child encounters to occur)
- Conduct a sexual relationship with a child or young person or indulge in any form of sexual contact with a child or young person;
- Engage in open discussions of a mature nature in the presence of children;
- Use inappropriate, offensive, harassing, abusive, sexually provocative, demeaning, culturally inappropriate or discriminatory language when speaking with, or in the presence of, a child or young person;
- Discriminate against any child, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability;

- Use any computer, mobile phone, or video and digital camera to exploit or harass children or expose children to offensive or sexualised content;
- Exchange personal contact details with a child such as phone number, social networking sites or email address, unless necessary ;
- Contravene Skillinvest’s Social Media Policy;
- Have contact with a child client or their family outside of Skillinvest, unless necessary (such as providing details to client’s family regarding treatment).

The following is guidance relating to specific situations relevant to standard Skillinvest operations that would regularly involve interactions with a child or young person:

Interviews:

All interviews involving a child or young person must be conducted in a safe, supportive and appropriate manner.

This can be achieved through:

- If an interview is to be conducted at a location where some other person has responsibility for the protection of a young person (e.g. school) that permission of the relevant person is obtained prior to the interview;
- A parent or guardian of a child must be invited to attend any interview that that child participates in with a Skillinvest staff member. Where a parent or guardian declines or doesn’t attend, the interviewer must have another adult present for the entire duration of the interview/s;
- If an interview with a child is conducted without the parent or guardian present, then both interviewers either need to be the same gender as the child, or at least one interviewer must be the same gender as the child;
- Interviews with a young person should be preferably conducted in a location that provides clear vision of the interview being conducted and its participants to other people in the immediate area.

Meetings:

All meetings involving a child or young person must be conducted in a safe, supportive and appropriate manner.

This can be achieved through:

- Any standard operational meetings (such as routine site visits, safety inspections, or where general feedback is being provided) with a child or young person is to be conducted with a second adult present;
- Meetings with a young person should be preferably conducted in a location that provides clear vision of the interview being conducted and its participants to other people in the immediate area;
- Any meeting of a performance or disciplinary nature with a child must be conducted in the presence of a parent or guardian;
- Any meeting of a performance or disciplinary nature with a young person must be conducted in the presence of two Skillinvest staff members.

Providing Transportation:

Skillinvest staff are only permitted to provide transport to a child or young person if no other reasonable option is available. Use of a private vehicle for this purpose is not permitted.

Skillinvest staff are not permitted to provide transportation to a child or young person without another adult present.

Skillinvest staff can only provide transportation to a child with permission from a parent or guardian.

Transportation of an injured worker or student by a Skillinvest staff member is not permitted (refer to the First Aid and Transportation of Injured Workers and Students Policy).

Supervision of Students:

All Teachers, Educators and Trainers & Assessors must:

- Abide by this Code of Conduct and all other Skillinvest Policies;

- Provide such information, instruction and supervision as is necessary to enable students to work in a safe and health manner;
- Comply with all site specific procedures for both Skillinvest and non-Skillinvest owned or operated sites;
- Ensure students are not left unsupervised during practical sessions;
- Ensure students do not enter the practical training facilities or classrooms during break times without a trainer present;

Teachers, Educators and Trainers & Assessors are also frequently called upon to advise students. When doing so they should:

- Limit their advice to students to areas within their own professional competence and given in situations arising from a role specified for them by the VCAL coordinator, Training Manager or their nominee;
- Ensure that the advice they give is correct and in line with the most recent available statements from institutions or employers;
- Avoid giving advice in areas unrelated to their role or where they may lack expertise.

All Teachers, Educators and Trainers & Assessors delivering VETiS and/or VCAL programs must also:

- Not allow a student to leave the premises without consent from the parent, guardian or school;
- Not permit school students to smoke in or on any Skillinvest premises;
- Notify your Manager and the student's school immediately of any;
 - breaches to Skillinvest's Code of Conduct or other such agreements in place;
 - in the event of a serious injury to a student.

All students must;

- Complete the Skillinvest site specific induction program prior to commencing training;
- Be provided with a link to the Skillinvest student handbook and Code of Conduct located on the Skillinvest website upon enrolment (or provided with a hardcopy on request if the student has issues accessing the internet outside of school hours);
- Return a signed copy of the Code of Conduct to their Trainer and Assessor prior to commencement of training;
- Comply with all induction instructions and the requirements in the Code of Conduct;
- Be instructed in hazards relevant to the work being undertaken and precautions to take;
- Not operate plant or equipment without receiving appropriate instruction and training and receiving authorisation to do so;
- Co-operate and comply with all instructions provided to ensure their safety and wellbeing.

Reporting any breaches of the Code of Conduct relating to the Child Safety Standards

All staff are obliged to report any breaches of the Code of Conduct that relate to the Child Safety Standards to the Child Safety Officer or appropriate person. In instances where a reportable allegation has been made, the matter will be managed in accordance with Skillinvest's Child Safe Policy and Statement of Commitment which may include referral to Victoria Police.

Protecting Confidential Information

Skillinvest collects and stores confidential information. Unauthorised disclosure may cause people harm or give an individual or competitor an improper advantage. Skillinvest's integrity and credibility may be damaged if it cannot keep information secure.

As a Skillinvest staff member or contractor, you must only use work related information for the work-related purpose it was intended.

You must make sure that confidential information, in any form, cannot be accessed by unauthorised people. Sensitive information must only be provided to people, either within or outside Skillinvest who are authorised to access it.

You should always exercise caution and sound judgment in discussing other people's personal information with other Skillinvest staff or contractors. Normally information should be limited to those who need to know in order to conduct their duties, or to those who can assist in carrying out our work because of their expertise.

Professional Responsibilities

Staff and contractors are responsible for their own behaviour and are required to conduct themselves in the following manner with regard to every undertaking associated with Skillinvest:

- Be honest, open and transparent and report improper conduct;
 - Immediately disclose changes regarding license or qualification status to the relevant Manager;
 - immediately disclose any behaviours which have resulted in police involvement to the relevant Manager;
 - Behave honestly and with integrity;
 - Demonstrate compassion and respect for others;
 - Avoid behaviours that discriminate, harass or bully;
 - Use Skillinvest property and money efficiently, carefully and honestly with due authorisation and without misappropriation;
 - Comply with lawful and reasonable instructions;
 - Behave in a way that upholds the values, integrity and reputation of Skillinvest;
 - Not violate or cause others to violate health and safety regulations;
 - Not victimising others who reports a breach in policy;
 - Not attend work under the influence of prohibited drugs or alcohol;
 - Not use Skillinvest equipment or property for private purposes without prior approval;
 - Not use authority or office for personal gain;
 - Maintain and protect Skillinvest confidential information;
 - Balance the interests of Skillinvest (employer) with your own responsibilities and commitments
 - Be conversant with codes of other organisations/associations relevant to employee/contractor responsibilities and abide by all codes of organisations of which Skillinvest is a member;
 - Ensure that all contracts and terms of business are clear, concise and honored in full, unless terminated or modified by mutual consent;
 - Ensure that all communications are inclusive, informative, true and not misleading, respecting the moral standards and the dignity of the individual;
 - Provide full disclosure of any personal conflict of interest;
- Comply with Skillinvest policies and procedures.

Breach of Law or Policy

Staff and contractors are required to comply with relevant laws and regulations. If you are unsure what laws and regulations apply please discuss this with your Manager.

Employees are required to comply with policies and procedures of Skillinvest. Any breach of this policy may result in disciplinary action, up to and including termination of employment.

Definitions

Child means a person who is under the age of 18 years.

Child Abuse means any act committed against a child involving a sexual offence or an offence under section 49B(2) of the *Crimes Act 1958* or the infliction on a child of physical violence, serious emotional harm, or the serious neglect of a child.

Child Safe Standards as made under section 17(1) of the *Child Wellbeing and Safety Act 2005*.

Young person means a person between the ages of 18 and 21.

Related Policies

Child Safe Policy and Statement of Commitment

Confidentiality Policy

Conflict of Interest Policy

Equal Employment Opportunity (Discrimination, Harassment and Bullying) Policy

First Aid and Transportation of Injured Workers and Students Policy

Professional and Personal Relationships in the Workplace Policy

Social Media Policy

Skillinvest Diversity and Inclusiveness Clause:

Skillinvest values and promotes diversity, fairness and inclusiveness in the workplace and is committed to ensuring workplace diversity and inclusiveness through establishing proactive strategies, policies and procedures. Skillinvest aims to ensure that all employees, clients, business partners and stakeholders are treated with respect, dignity and fairness to ensure Skillinvest promotes inclusiveness and positive working relationships.

Skillinvest is committed to recognising the value of diversity and inclusiveness in the workplace and ensures that work practices promote equal opportunity and are non-discriminatory.