



# CODE OF PRACTICE

Care and Supervision  
of Young People

# Contents

1. Introduction .....	4
Purpose of the Code of Practice .....	4
Key definitions .....	4
AGA commitment to care and supervision.....	5
2. AGA Policy .....	6
3. Legal requirements and professional conduct .....	7
4. Specific needs of young people .....	8
5. Child Safe Standards .....	9
6. Practices for care and supervision.....	10
Police and Working with Children Check .....	10
Charges and offences .....	10
Conflict of interest .....	11
Professional and personal relationships .....	11
Preferred parent or guardian contact .....	12
Preferred emergency contact.....	12
Privacy and confidentiality.....	13
Agreements and conditions entered into .....	14
Interviews.....	14
Meetings .....	15
Providing transport.....	15
Supervision of students.....	16
Poor performance, counselling and disciplinary procedures .....	18
Taking of photographs and videos.....	18
Social media.....	18
Receiving and giving gifts .....	19
Health and safety .....	19
Illness and medical issues .....	20
Incident and injury notification.....	20
Workplace harassment and bullying .....	21
Discrimination.....	21
Reporting suspected child abuse.....	22
7. Non-compliance with the Code of Practice .....	23
8. Management review of the Code of Practice .....	24

9. Appendix .....	25
Care and Supervision of Young People Policy .....	25
Child Safe Statement of Commitment.....	28
Grievance, Complaints & Appeals Policy and Procedure .....	32

# 1. Introduction

## Purpose of the Code of Practice

The Code of Practice supports the implementation of the AGA policy on the care and supervision of young people that we employ, train and supervise.

The Code of Practice documents the standards and practices for the care and supervision of children and other young people that are our legal and moral responsibility.

The Victorian Child Safe Standards introduced on 1 January 2016 requires the implementation of this Code of Practice and Child Safe Statement of Commitment. The Statement is included in the Appendix.

All staff (full-time, part-time and casual) and those contracted to provide services for AGA are required to comply with the requirements and obligations in the Code of Practice.

## Key definitions

### Care

Care is defined as providing consideration, attention and actions to do something correctly and to avoid damage or harm.

### Child

A child is defined as a person under the age of 18.

### Child Safe Standards

Compulsory standards for all organisations providing services to children introduced by the Victorian Government for the prevention and response to child abuse that may occur at the organisation.

### Parent or guardian

A person who has parenting responsibility for a child or other young person, including legal guardian and extended family members such as grandparents.

### Supervision

Supervision is defined as the act or process of observing, managing or directing a person or group of people or how something is done.

### Young person

A young person is defined as being over the age of 18 and under 21.

### **AGA Staff member**

An AGA staff member is defined as any person employed or engaged full-time, part-time, casual, on contract and any IntoWork staff member performing duties on behalf of AGA.

## **AGA commitment to care and supervision**

The objective of the AGA policy on the care and supervision of young people is providing appropriate and effective care and supervision.

It is acknowledged that AGA have a responsibility for the care and supervision of all people that they employ, train or supervise.

It is recognised, however, that children and other young people have specific needs in addition to this general duty of care.

## **2. AGA Policy**

AGA is committed to continuous improvement in the employment, training and supervision practices for children and other young people.

In addition to this general duty of care, AGA are committed to the protection of children and implementation of the Victorian Child Safe Standards.

It is the policy of AGA that:

1. A Code of Practice for the Care and Supervision of Young People is maintained for providing guidance to management and staff on appropriate behavior with children and other young people
2. The Code of Practice contains a Child Safe Statement providing a commitment to child safety and the prevention of child abuse
3. The Code of Practice and other pertinent information is communicated to relevant staff, contract trainers and other interested parties
4. The policy and the Child Safe Statement are maintained on the organisation's web site
5. Competencies are developed and maintained for employees with roles and responsibilities for the effective implementation of the Code of Practice
6. Relevant documents, records and data are created and maintained for the effective implementation and compliance with the Code of Practice
7. Senior management implement a periodic review of the management systems for providing care and supervision to young people so that they remain effective and appropriate.

A complete copy of the AGA policy is located in the Appendix.

### 3. Legal requirements and professional conduct

In the training and employment context, *Duty of Care* is a common law concept that refers to the responsibility of an organisation and its staff to provide employees and trainees with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to provide protection from all reasonably foreseeable risk.

Conduct representing a breach of legal obligations by AGA or staff may include:

- Employment law
- Equal opportunity
- Health and safety
- Privacy
- Sexual discrimination

The Code of Practice provides details of the professional conduct and relationship of staff and contractors with young people during their employment or training and when providing supervision.

### 4. Specific needs of young people

AGA have a responsibility for the care and supervision of all people that they employ, train or supervise. It is recognised, however, that children and other young people have specific needs in addition to this general duty of care.

Those under 18 are likely to be under parental care or have a legal guardian. A parent or guardian may need to be consulted or advised of arrangements and circumstances involving the child. In some instances, their consent or agreement may need to be obtained.

Young people may lack the skills, knowledge or self-awareness of how to interact with others in the workplace. They may not be familiar with common policies or standards of behaviour and it is important that they are supported and provided guidance on what is required. They will not know things that more mature and experienced people take for granted.

For many young people, the path from education to employment and vocational training is full of change and uncertainty and part of the challenges that more mature people have experienced. For some the situation is compounded by other factors in their life that they are dealing with such as relationships, health matters and other personal issues.

A young person's perception of risk is often not as well developed as more experienced and more

mature people. This is a particular important consideration when dealing with health and safety matters such as safe work practices, bullying and harassment and inappropriate or risk taking behaviour.

## 5. Child Safe Standards

The Victorian Government introduced child safe standards to improve the way organisations provide services for children prevent and respond to child abuse that may occur within their organisation.

The standards are compulsory for all organisations providing services to children. This includes organisations that provide services to both adults and children such as AGA.

The aim of the standards is to:

- prevent child abuse
- encourage reporting of any abuse that does occur
- improve responses to any allegations of child abuse.

The standards require a statement of commitment to child safety and a code of conduct that establishes clear expectations for appropriate behavior with children. This Code of Practice and the Child Safe Statement in the Appendix have been developed to meet these obligations.

## 6. Practices for care and supervision

The following information provides the requirements for appropriate professional practice for staff and contractors for the care and supervision of young people.

The areas below are not an exhaustive list but provides the AGA requirements for common situations.

### Police and Working with Children Check

A working with children check is a legal requirement for people having direct supervision of children at work in certain vocations. The check provided continual monitoring over 5 years for legal breaches relevant to their supervision role.

All AGA staff members who have direct interaction with a child or young person must have an up to date police check and working with children check.

Any AGA staff member who does not hold a current police check or working with children check, cannot have face to face contact with a child or young person. In the instance where a non-accredited staff member must meet with a child or young person, an AGA staff member with the relevant accreditation must be present.

## Charges and offences

A staff member or contractor is required to advise AGA in writing of any criminal charge laid against them where they have reasonable grounds for believing that the interests of AGA or their operations may be adversely affected. Taking into account:

- The circumstances and seriousness of the alleged offence
- The duties of the staff member or contractor

The matter can be raised with either the:

- General Manager Employment, Development and Projects, or
- General Manager Training, Development and Risk

## Conflict of interest

A conflict of interest may exist when an AGA staff member or contractor's private interests or personal circumstances interfere or are likely to interfere with the proper performance of their duties.

A potential or actual conflict of interest must be declared to avoid or resolve the matter to either the:

- General Manager Employment, Development and Projects, or
- General Manager Training, Development and Risk

## Professional and personal relationships

AGA staff and contractors have a responsibility for establishing and maintaining a professional relationship with all people that they train and supervise. This responsibility is even more significant for children and other young people.

Trainers and supervisors have a position of authority in the management of other people and as such are required to exercise their rights and powers in good faith and integrity and not for personal gain or improper advantage.

Trainers and supervisors also have a responsibility for managing the personal behaviour of young people as a part of maintaining a professional relationship.

AGA staff and contractors must:

- Act as a positive role model for people they train and supervise, e.g. personal interaction, safe work practices, and the principles of equal opportunity in employment and training
- Discourage and not participate in an inappropriate conversation or contact of a sexual nature
- Maintain a professional interaction with other people and discourage anti-social behaviour, teasing, joking, horseplay or other inappropriate behaviour
- Have a standard of dress and appearance appropriate to their duties and the people with whom they are dealing



AGA staff and contractors who provide training and supervision to children and young people must not:

- Provide them with their personal contact details such as phone, email and home address
- Provide access to their social media account details or communicate with them using social media
- Discuss or correspond with them on an intimate personal nature or provide personal lifestyle details.

Any concerns regarding whether a situation may compromise or breach a professional relationship must be discussed with either the:

- General Manager Employment, Development and Projects, or
- General Manager Training, Development and Risk

Failure of staff and contractors to maintain a professional relationship and avoid an inappropriate personal relationship represents a breach of trust; a failure to meet a duty of care to children and young people; and a failure to follow conduct requirements of AGA.

## Preferred parent or guardian contact

Maintaining records of the preferred parent or guardian contact person is an important part of managing the employment and training arrangements of children. They may nominate one or more preferred parent or guardian contact.

Some children may be subject to an agreement on custody and parenting arrangements or parenting orders implemented by a court. These arrangements may include restrictions that could affect communication between AGA and the child's parent or guardian.

Typical contact situations that involve a child may include:

- Obtaining consent for agreements and conditions
- Discussing any special needs and assistance required
- Providing feedback or discussing issues regarding performance
- Implementing disciplinary procedures

Only the preferred parent or guardian contact person is to be contacted regarding any matter in relation to a child (either person in the case of multiple preferred contact parent or guardian).

Up-to-date contact details for all children involved in employment, training or being supervised by AGA staff and contractors must be maintained. The details are to be readily retrievable and protected against loss or unauthorised access and modification.

## Preferred emergency contact

Maintaining records of the preferred emergency contact person is an important part of AGA emergency procedures. Typically, emergency situations may include:

- Medical conditions
- Injuries and incidents
- Natural disasters

The preferred emergency contact person must be the same as the preferred parent or guardian contact person in the case of a child.

Up-to-date contact details for all people involved in employment, training or being supervised by AGA staff and contractors must be maintained. The details are to be readily retrievable and protected against loss or unauthorised access and modification.

## Privacy and confidentiality

AGA and its staff and contractors are bound by the Commonwealth Privacy Act 1988 and the Australian Privacy Principles that regulate the use and disclosure of personal information.

Personal information is any information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion.

The Privacy Principles govern the collection, processing, storage, use, disclosure and destruction of personal information. AGA personal information and data systems are designed to comply with the Principles.

AGA staff and contractors must:

- Only collect personal information for lawful purposes directly related to an AGA function or activity
- Only collect information that is relevant and required for the AGA function or activity
- Take reasonable steps to ensure the individual is aware of the purpose for which the information is collected
- Take reasonable steps to ensure personal information is protected against unauthorised access, use, amendment or disclosure
- Take reasonable steps to ensure that the personal information is accurate and kept up-to-date In regards to a child and disclosure or discussion about personal information with the preferred parent or guardian the child must be:
  - Advised of the nature of the information to be disclosed or discussed, and
  - Provided the reason for such action before disclosing or discussing the personal information

AGA staff and contractors are only permitted to disclose or discuss personal information with the preferred parent or guardian contact person.

It is acknowledged that some young people may have a relationship with a parent, guardian or other party that have an active interest or provide support for their employment, training or supervision provided by AGA.

In regards to a young person and disclosure or discussion about personal information with another person, staff or contractors must:

- Obtain the permission of the person prior to disclosing or discussing the personal information
- Advise the person of the nature of the information to be disclosed or discussed
- Provide the reason for such action before disclosing or discussing the personal information
- Take reasonable steps to ensure the identity of the person or party to whom the information is disclosed or discussed, and
- Provide the opportunity and arrange for the person to be present when disclosing or discussing the personal information, if reasonably practicable

AGA staff and contractors are only permitted to disclose or discuss a young person's personal information with another person or party with the consent of the person concerned.

## Agreements and conditions entered into

AGA enters into agreements and conditions regarding employment and training with people that access their services.

Typically, these can include:

- Employment contracts
- Training agreements
- Code of conduct
- Disciplinary outcome and performance requirements AGA staff and contractors must ensure:
- That reasonable steps are taken to provide an explanation of the agreement or conditions being entered into in a manner that they understand
- In regards to a child, the agreement or conditions must be entered into by the preferred parent or guardian in addition to the child
- That the agreement or conditions are complete in full (signed, dated and witnessed if required), and
- That a copy of any agreement or conditions entered into is maintained as long as it is applicable

## Interviews

AGA must ensure that the rights and interests are maintained during interviews with young people and that they are conducted in a safe and appropriate manner. Precautions aimed at preventing any misunderstanding or possible allegations of misconduct by an AGA staff member are also important considerations.

Where the interview is to be conducted at a location where some other person has responsibility for the protection of the young person (e.g. school), permission of the relevant person must be obtained before conducting any interview.

The preferred parent or guardian of a child must be invited to any interview that they participate in with an AGA staff member. Where the parent or guardian declines or doesn't attend, the interviewer must have an additional person present for the interview.

If there is an interview with a child candidate of the opposite gender to the interviewer (and the preferred parent or guardian is not present), the second interviewer must either be of the same gender as the candidate or a person otherwise known to them (e.g. school teacher).

Interviews with any young person should preferably be conducted in a location that provides clear vision of the interview being conducted and its participants to other people in the area. An open door or a window is a minimum requirement.

## Meetings

AGA must ensure that the rights and interests are maintained during meetings with young people and that they are conducted in a safe and appropriate manner. Precautions aimed at preventing any misunderstanding or possible allegations of misconduct by an AGA staff member are also important considerations.

Any standard operational meetings (site visits, safety inspection, general feedback, training progress meeting) with a child is to be conducted with a secondary person present. The secondary person can be anyone from a host employer, trainer or another AGA representative.

Any meeting of a performance or discipline nature, must be conducted in line with the Poor performance, counselling and disciplinary procedure section of the code of conduct.

Meetings with any young person should preferably be conducted in a location that provides clear vision of the meeting being conducted and its participants to other people in the area. An open door or a window is a minimum requirement.

## Providing transport

AGA must take precautions to prevent any misunderstanding or possible allegations of misconduct by an AGA staff member providing transport to children and other young people.

AGA staff are not permitted to provide transport to a child or other young person without another person present, the other person present cannot be a child in their own right.

AGA staff can only provide transport to a child with permission from the preferred parent or guardian.

AGA staff member must seek approval from their manager prior to providing transport to a child (as well as the parent or guardian) or other young person.

AGA staff are only permitted to provide transport if no other reasonable option is available. AGA staff are not permitted to use their own personal vehicle for transporting a child or other young person.

The requirements for the use of an AGA vehicle by a young person in the Apprentice and Trainee Motor Vehicle Usage Policy must be complied with. The use of an AGA vehicle by a young person must be for purposes essential to their employment or training. Authorisation for the vehicle used must be obtained prior to use and they must hold a current driver's license.

## Supervision of students

### Purpose

The purpose of these guidelines is to inform AGA trainers and assessors of their responsibilities and Duty of Care for the supervision of students attending AGA owned or leased training facilities.

Effective and adequate supervision by trainers and assessors is essential to ensure the safety and wellbeing of all AGA students.

Children and other young people in particular, require closer supervision and instruction than more experienced and mature people. They most likely will lack the safety awareness, skills and knowledge than older students. Therefore, these guidelines the minimum expectations when instructing and supervising students.

### Minimum Expectations for Supervising Students

All students must;

- Complete the AGA and site specific induction program prior to commencing training.
- Be provided with an AGA student handbook and Code of Conduct upon commencement of training.
- Return a signed copy of the Code of Conduct to their trainer and assessor.
- 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 authorization to do so.

- Co-operate and comply with all instructions provided to ensure their safety and wellbeing.

The trainer must;

- Abide by the AGA Code of Practice for Care and Supervision of Young People.
- 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 AGA and non AGA owned 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.
- Not use or permit inappropriate or offensive language (e.g. swearing, bullying or harassment towards students).
- In the event of a serious injury follow the AGA Injury Management Plan.
- Notify all stakeholders in the event of an incident.
- Intervene (if safe to do so) when a student's health and safety is at risk.

## Supervising VETiS Students

Trainer and assessors have additional responsibilities for VETiS student due to legal obligation, Child Safe Standards, and the requirements stakeholders involved (e.g. secondary schools).

In addition to the requirement in the Code of Practice for the Care and Supervision of Young People, the trainer and assessor must;

- Not allow a student to leave the premises without consent from the preferred parent contact or school.
- Not permit school students to smoke on AGA training premises.
- Notify your manager and the student's school in the event of a student breaching the AGA Code of Conduct or other such agreement in place.
- Notify your manager, site manager (for none AGA owned sites) and the student's school in the event of a serious injury to a student.

In the event that a trainer is absent for the day the following actions will take place.

1. A replacement trainer in the same industry will be contacted regarding availability.
2. If suitable trainer not available, then a trainer from a different trade will be sourced. Practical work will only be carried out if the trainer has the relevant competencies.
3. If suitable trainer not available then a none-trainer will be asked to supervise the class, if available. This class will be theory only.
4. If no suitable supervision is available, the school/s will be contacted and students may be returned to school.

## Poor performance, counselling and disciplinary procedures

AGA must ensure that the rights and interests of young people are maintained when implementing counselling and disciplinary procedures and that they are conducted with 'procedural fairness'.

Precautions aimed at preventing any misunderstanding or possible allegations of misconduct by an AGA staff member are also important considerations.

Any performance, counselling and disciplinary process with a child must be conducted in the presence of the preferred parent or guardian.

Any performance, counselling and disciplinary process with a child or young person must be completed with two AGA staff members present.

## Taking of photographs and videos

Photographs and videos of any person that is not authorised and consent isn't provided may breach privacy laws. AGA also want to prevent the taking of inappropriate photographs or videos.

The photographing or videoing of all people engaged in employment or training provided by AGA or being supervised by AGA staff or contractors must be authorised prior to taking photographs or videos.

Authorisation must be obtained and provided in writing from either the:

- General Manager Employment, Development and Projects, or
- General Manager Training, Development and Risk

Authorisation will only be provided if the taking of photographs or videos is directly related to the employment, training or supervision of the person or persons concerned. This may include authorised promotional purposes and social functions.

The taking of photographs or videos by AGA staff or contractors during normal business hours for personal or private purposes is prohibited.

Consent must be provided by any person being photographed or videoed. The consent must also be provided from the preferred parent or guardian contact person if the person is under the age of 18.

## Social media

Careless and inappropriate use of social media can have serious implications for the individuals concerned and the reputation and operations of AGA. Unmanaged, social media has the potential for anti-social behaviour such as harassment and bullying and breaches of privacy, confidentiality and disclosure of unauthorised AGA information. Precautions aimed at preventing any misunderstanding or possible allegations of misconduct by an AGA staff member are also important considerations.

AGA staff members are not permitted to be associated with children or other young people on social media. AGA staff members are exempt from this requirement with their family.

In the circumstance where an AGA staff member has a social relationship (e.g. sporting or community group or friends with family) with a child or young person, and there is a desire to communicate via social media, approval must be attained in writing from the preferred parent or guardian in the case of a child. The authorisation must be placed on the AGA staff member's personal file. Approval must be obtained from the AGA staff member's direct manager in the case of any other young person.

## Receiving and giving gifts

The receiving of gifts or other benefits by staff or contractors in connection with operations of AGA could result in a conflict of interest or allegations of favoritism or other inappropriate behaviour.

Staff and contractors are not permitted to ask or encourage the giving of gifts or benefits in connection with their duties or the operations of AGA. A monetary gift must not be accepted under any circumstances.

Staff and contractors are permitted to accept gifts of a minimal value in appreciation for their work efforts. All such gifts must be reported to their direct manager within 5 business days.

Where it would be inappropriate to refuse a gift that has more than a minimal value, the gift should be reported within 5 business days to either the:

- General Manager Employment, Development and Projects, or
- General Manager Training, Development and Risk

Whether the gift is retained by the person concerned or becomes AGA property is at the discretion of the relevant General Manager.

## Health and safety

AGA has a duty of care for all their employees and any other people at their facilities to provide and maintain a workplace that is safe and without risks to health. This includes course participants and any visitors.



Young people are more likely to have an injury at work or while in training than more experienced and qualified people. Poor risk decisions may even be considered reckless to more mature people.

Risk factors for young people may include:

- Still developing physically and intellectually
- Lack of experience, knowledge or skills to understand the risks involved in tasks they are doing
- Performing tasks incorrectly because of inadequate instruction or supervision
- Lack of confidence to ask questions and raise issues

Specific attention must be given to the instruction and supervision of young people to ensure they have the information they need to work safely.

AGA staff and contractors are required to:

- Be a good role model and correct any unsafe work habits and behaviour
- Provide health and safety information and precautions for tasks to be performed
- Check for understanding regarding key safety hazards and precautions
- Provide instruction in all equipment, tools and work practices
- Tailor instructions to meet the young worker's cultural, literacy and learning needs so they receive the right message in a manner that they understand
- Have young workers demonstrate competence before starting new tasks

## Illness and medical issues

All AGA apprentices and trainees complete a pre-existing medical disclosure form when they are inducted into the organisation. Where the new employee is a child, this document must be co-signed by the preferred parent or guardian.

In the case where the condition is deemed of a nature that the host employer needs to be notified. Permission must be sought by the employee. Where the employee is a child, permission to pass on the information to the host employer must be obtained from the preferred parent or guardian.

## Incident and injury notification

All incidents are to be notified to the HES department.

In the case of a Medical Treatment Injury (MTI) or Lost Time Injury (LTI) to a child the preferred parent or guardian must be notified as soon as practicably possible (once the child is safe and stable). Any other employee who sustains a MTI must have their next of kin contacted as soon as practicably possible.

## Workplace harassment and bullying

Workplace harassment and bullying is repeated behaviour by a person that:

- Is directed at an individual person or group of people, and
- Is offensive, intimidating, humiliating or threatening, and
- Is unwelcome and unsolicited, and where
- A reasonable person would consider the behaviour to be offensive, intimidating or threatening Workplace harassment and bullying is illegal and can be dealt with under health and safety legislation. AGA and all its staff and contractors have an obligation under the law to prevent and not engage in harassment or bullying behaviour.

Providing feedback, advice or counselling on work performance or behaviour should not be confused with harassment and bullying. Any action taken to assist in improving work performance or changing behaviour should always be constructive.

AGA staff and contractors are required to interact and communicate with other people in a manner which:

- Respect another person's opinions and beliefs
- Allows reasonable opportunity to express views and comments
- Involves fair, informed and transparent decision making
- Is not intimidating, humiliating, sarcastic or teasing
- Doesn't involve abusive, offensive or hostile language
- Doesn't involve inappropriate sexual matters or content
- Doesn't contain threats or aggressive behaviour

## Discrimination

Anti-discrimination legislation prohibits unlawful discrimination in employment and training. This means that AGA staff and contractors must not discriminate in their relations or decisions with people involved in employment, training or supervision they provide on such grounds as race, sex, disability, religion, pregnancy and political conviction and includes a person's age.

AGA trainers and supervisors are required to discourage any form of discrimination by all people that they are responsible for. They are required to promote an environment that is accepting and tolerant of diversity, and is free from intimidation, threat, humiliation and harassment.

Discrimination against any person must be reported to either the:

- General Manager Employment, Development and Projects, or
- General Manager Training, Development and Risk

## Reporting suspected child abuse

Procedures for the reporting of suspected child abuse are a requirement of the Child Safe Standards.

In the Standards, abuse constitutes any act committed against a child involving:

- Physical violence
- Sexual offences
- Serious emotional or psychological abuse, and
- Serious neglect

Further explanation of these types of abuse is provided in the Child Safe Statement of Commitment in the Appendix.

AGA encourages the reporting of suspected child abuse and will support people who report or witness abuse or have a child safety concern.

Allegations of child abuse and safety concerns are taken seriously and will be dealt with promptly and in a confidential manner.

Suspected child abuse must be reported to either the:

- General Manager Employment, Development and Projects, or
- General Manager Training, Development and Risk

AGA is required to comply with legal requirements to report child abuse to appropriate authorities.

## 7. Non-compliance with the Code of Practice

The Code of Practice must be complied with by all AGA staff (permanent, casual and temporary) and people contracted to provide services on behalf of AGA.

The requirements of the code apply at all times. This includes times when a staff member or contractor is not at work or not performing work duties. It includes times when on leave.

Specific instances of either suspected or actual non-compliance with the code must be reported to either the:

- General Manager Employment, Development and Projects, or
- General Manager Training, Development and Risk

If AGA considers that the code has not been complied with, disciplinary action may be taken. Any disciplinary action will be in accordance with the AGA disciplinary procedures.

In deciding whether non-compliance has occurred, due consideration will be given to the circumstances of the non-compliance and the views of the person concerned.

Disciplinary action may include a reprimand, termination of employment or any other appropriate sanction.

## 8. Management review of the Code of Practice

Senior management will review the continuing suitability, adequacy and effectiveness of the arrangements for the care and supervision of young people. The review is to be conducted at intervals that is determined appropriate. The review must be documented and reported to the CEO.

The review process must ensure that the necessary information is collected and that interested parties are consulted to allow management to carry out the evaluation.

The review is to determine whether the organisation's care and supervision arrangements:

- Are being properly implemented and maintained, and
- Are effective in meeting the objectives of the Care and Supervision of Young People Policy

The review will include, and change where appropriate, to the policy, Code of Practice, Child Safe Statement of Commitment, management systems and other elements in response to changing circumstances and a commitment to continual improvement.

## 9. Appendix

### Care and Supervision of Young People Policy

#### Purpose

The provision of appropriate care and supervision of children and other young people that AGA have responsibility for as part of their operations.

It is acknowledged that AGA has a responsibility for the care and supervision of all people that they employ, train or supervise. It is recognised, however, that children and other young people have specific needs in addition to this general duty of care. AGA is committed to the protection of children and implementation of the Victorian Child Safe Standards.

To assist in achieving the purpose of this policy a child is defined as a person under the age of 18 and a young person is defined as being over the age of 18 and under 21.

#### Policy Objectives

AGA is committed to continuous improvement in the employment, training and supervision practices for children and other young people.

It is the policy of AGA that:

- A Code of Practice for the Care and Supervision of Young People is implemented and maintained for providing guidance to management and staff on appropriate behaviour with children and other young people
- The Code of Practice contains a Child Safe Statement providing a commitment to child safety and the prevention of child abuse
- This policy and the Code of Practice and other pertinent information is communicated to relevant staff, contracted trainers and other interested parties
- This policy and the Child Safe Statement are maintained on the organisation's web site
- Competencies are developed and maintained for employees with roles and responsibilities for the effective implementation of the Code of Practice
- Relevant documents, records and data are created and maintained for the effective implementation and compliance with the Code of Practice
- Senior management implement a periodic review of the management systems for providing care and supervision to children and other young people so that they remain effective and appropriate

**Responsibility: CEO**

## Code of Practice and Child Safe Statement

A Code of Practice for the Care and Supervision of Young People and a Child Safe Statement are to be developed, maintained and reviewed periodically to ensure they remains appropriate and effective. The review is to be conducted in consultation with interested parties.

***Responsibility: GM Employment, Development and Projects and GM Training, Development and Risk***

## Instruction in Code of Practice and Statement

Staff and other relevant parties with responsibility for the care and supervision of children and young people are to be provided information and instruction in the requirements of the Code of Practice and Statement.

They are to be advised of any amendments or additional requirements and any other pertinent information.

***Responsibility: GTO Manager and Training Operations Manager***

## Implementing Code of Practice and Statement

Staff and other relevant parties with responsibility for the care and supervision of children and other young people are required to implement the requirements of the Code of Practice and Statement.

The Code is applicable to any child or young person being employed, trained or being supervised by AGA staff or person being contracted to provide these services on behalf of AGA.

***Responsibility: All fulltime staff and contracted staff***

## Relevant Documents, Records and Data

Documents, records and data that are required for the effective implementation of the policy shall be identified, developed or created. Records and data will be maintained to demonstrate compliance with the policy requirements and for a process of review and continual improvement.

***Responsibility: GM Employment, Development and Projects and GM Training, Development and Risk***

## Management Review

Senior management will review the continuing suitability, adequacy and effectiveness of the arrangements for the care and supervision of children and other young people.

The review will include, and change where appropriate, the policy, Code of Practice, Child safe Statement, management systems and other elements in response to changing circumstances and a commitment to continual improvement.

***Responsibility: GM Employment, Development and Projects and GM Training, Development and Risk***

## Reference Documents

Child Safe Statement

Code of Practice for the Care and Supervision of Young People Victorian Child Safe Standards

**Policy Approved by:** CEO

**Distributed to:** All sites via AGA intranet

## Child Safe Statement of Commitment

AGA is committed to the safety of children for which we have responsibility for as part of our operations. Children have the same right to a safe training and work environment as other people in our workplaces.

While our commitment to the care and supervision of young people includes children, we also acknowledge our obligations under the Victorian Child Safe Standards.

## Purpose

Its purpose is to guide the design and implementation of AGA policies, procedures and practices with the aim of protecting children from abuse.

This statement provides an overview of the key principles of AGA's approach to child safety and their protection from abuse.

AGA and its Board:

- Have a zero tolerance for child abuse
- Is committed to acting in the best interests of children
- Promotes cultural safety for children from indigenous and culturally and/or linguistically

diverse backgrounds

- Have systems in place to protect children from abuse
- Works towards informing and empowering children
- Is committed to providing a safe environment for children
- Will take any allegations of abuse seriously and respond to them promptly in line with organisational procedures

## Scope

This statement is applicable to all AGA staff members and other relevant parties engaged in child-connected work.

Staff and relevant parties are individuals employed or contracted as full-time, part-time or on a casual basis by AGA.

## Child Abuse

For the purpose of this statement, abuse constitutes any act committed against a child involving the categories below:

**Physical violence** - occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person.

**Sexual offences** - occur when a person involves the child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to their age and development.

**Serious emotional or psychological abuse** - occurs when harm is inflicted on a child through repeated rejection, isolation, derogation, teasing or by threats of violence.

**Serious neglect** - is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if adequate measures are not taken to ensure the safety of a child exposed to dangerous or life threatening situations.



## Roles and Responsibility

The Board has a responsibility to monitor the adherence and appropriateness of the organisation's policies and procedures for protecting children from abuse.

The CEO is responsible for promoting an organisational culture and implementing policies and procedures that aim to protect children from abuse.

General Managers have a responsibility to raise awareness of the importance of child safety at AGA and in the community that we operate. They have a defined role and responsibility for providing information and advice in relation to child safety and managing inquiries, concerns and complaints in relation to child safety or abuse.

The GTO and Training Operations Managers are responsible for providing information and instruction in the requirements of the Code of Practice for the Care and Supervision of Young People and this Statement to staff and other relevant parties with responsibility for the care and supervision of children and other young people.

AGA staff and other relevant parties engaged in child-connected work must agree to abide by our Code of Practice for the Care and Supervision of Young People. The Code of Practice provides guidance on how to behave with children and the standards of conduct.

## Communicating this Statement

The Child Safe Statement is available to interested parties on the AGA web site.

The Statement is communicated to AGA staff and other relevant parties engaged in child-connected work via its inclusion in Code of Practice for the Care and Supervision of Young People.

The Statement is included in induction material for:

- Host Employers of apprentices and trainees
- Commencing apprentices and trainees
- Course participants in AGA training centre programs
- Commencing AGA staff including full-time, part-time and casual staff

## Privacy

AGA manage personal information in accordance with the Australian Privacy Principles. We are committed to maintaining the right to privacy and AGA's responsibility for protecting personal information. AGA takes reasonable steps in order to comply with these obligations.

## Risk Management

A systematic approach to managing risk is applied to AGA's operations based on the principles and guidelines contained in AS/NZ ISO 310:2009. A risk management process is utilised for the identification, assessment and control of risks for any situation where an undesirable or unexpected outcome may have a significant impact.

This risk management approach is applied to the protection of children, in addition to the general duty of care under health and safety legislation for all people in our workplaces.

## Contact for Further information and Raising a Complaint or Concern

Either of the following details can be used to raise a complaint or to obtain further information regarding the Victorian Child Safe Standards or child safety and abuse:

### **General Manager Employment, Development and Projects**

Anthony Magnuson    **E:** anthony.magnuson@aga.com.au    **M:** 0417 131 385

### **General Manager Training, Development and Risk**

Stephen Lewis    **E:** stephen.lewis@aga.com.au    **M:** 0430 205 403

Staff and all people using our services are informed on reporting procedures if they observe abuse or are subject to abuse, and if they observe a dangerous situation or inappropriate behavior.

AGA take allegations of child abuse and safety concerns seriously. Procedures are in place to thoroughly investigate matters raised in a prompt manner. Arrangements are in place to access independent investigation services if required.

Inquiry and complaint details will be required to be in writing so that they can be dealt with fully. AGA will respond shortly after receiving written notice and deal with the matter in a confidential manner.

## Review and Continual Improvement

Senior management will review the continuing suitability, adequacy and effectiveness of the arrangements for the care and supervision of young people. The review is to be conducted at intervals that are determined appropriate. The review must be documented and reported to the CEO.

The review process must ensure that the necessary information is collected and that interested parties are consulted to allow management to carry out the evaluation.

The review is to determine whether the organisation's care and supervision arrangements:

- Are being properly implemented and maintained, and
- Are effective in meeting the objectives of the Care and Supervision of Young People Policy

The review will include, and change where appropriate, the:

- AGA Care and Supervision of Young People Policy,
- Code of Practice for the Care and Supervision of Young People,
- Child Safe Statement of Commitment and Management systems and other elements in response to changing circumstances and a commitment to continual improvement.

## Grievance, Complaints & Appeals Policy and Procedures

### Purpose

The purpose of this policy & procedure is to ensure that AGA adheres to the requirements of the National Standards for Group Training Organisations (2017), AQTF Essential Conditions and Standards for Continuing Registration, Standards for Registered Training Organisations 2015, VRQA Guidelines for Vocational Education and Training 2016 and 2018-19 Standard VET Funding Contract Skills First Program.

The purpose of this policy is to set out the approach adopted by AGA to ensure that grievances raised by AGA employees, apprentices, trainees, students, host employers, clients, contractors and consultants, are managed in a fair, timely and confidential manner. This policy will also apply to any matters raised under our Customer Services Charter. All matters dealt with under this policy will be recorded in the AGA Grievance, Complaints & Appeals Register and any process changes emanating from the complaints resolution will be incorporated in to AGA's continuous improvement process. AGA's policies provide an avenue for most grievances to be addressed. However, we are aware that in some cases alternative measures need to be explored because of individuals and the merits of each case. AGA's policy is to acknowledge the need to address each case on its merits.

It is AGA's policy to encourage parties to approach a grievance with an open view and to attempt to resolve problems through discussion and conciliation.

Where a grievance cannot be resolved through discussion and conciliation, AGA acknowledges the need for an appropriate, external and independent agent to mediate between the parties.

## Definition

**Compliant** - A complaint is defined as:

- a written expression of dissatisfaction with or concern relating to the activities of a AGA;
- lodged by a complainant or their representative; and
- relating to a specific episode, occurrence or failure that is viewed as having resulted in an impact on any individual or group.

For the purposes of this policy, a grievance is defined as any type of problem, concern, dispute, unfair treatment and/or complaint related to work and/or training or the work/training environment which cannot be resolved through normal day to day communication. All grievances need to be handled promptly and with transparency.

Appeal means a request for a decision made by AGA to be reviewed. An appeal may be where a client of AGA, or other interested party, may dispute a decision made by AGA. The decision made by AGA may be an assessment decision or may be about any other aspect of the AGA's operations.

## Principles

AGA will manage complaints according to the principles of:

### **Objectivity and fairness:**

Complaints are dealt with in an equitable, objective and unbiased manner and with regard to fairness and timeliness;

### **Access and transparency:**

Information about how and where to complain is well publicised and easily accessible to all stakeholders;

### **Responsiveness:**

Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency, and the complainant is informed of the process. The complainant will be notified as soon as possible, to acknowledge their complaint has been received and the expected timelines to resolve the complaint or grievance. The complainant must be updated through each step of the process;

### **Confidentiality and privacy:**

AGA is bound by laws that protect your privacy concerning the collection, use and disclosure of your personal information. Complaints are treated confidentially and the identity of complainants kept confidential to the extent possible where requested, except where the law otherwise provides. In handling complaints, AGA will comply with the requirements of relevant privacy legislation including recording, storage & access by authorised personnel as stated in the AGA Privacy Policy;

### **Commitment:**

AGA is committed to effective complaints handling and values feedback through complaints.

**Quality improvement:**

Effective complaints handling will improve the quality of services enabling poor performance to be identified and resolved quickly, and highlighting further scope through AGA's Continuous Improvement policy, procedure & process. Where a complaint identifies any systematic issues, AGA will take action to address these issues across the training system more broadly.

**Impartiality:**

Where a grievance is raised, it will be treated seriously. In some circumstances it will be necessary to investigate a grievance in which case AGA will do so in a confidential and impartial manner. This may mean that the person or persons whose actions are complained about, and any witnesses will be interviewed. No findings will be made in relation to the grievance until the investigation is complete.

**Sensitivity:**

If people come forward with a complaint, they will be treated fairly. All people handling the grievance must be sensitive to the needs of those directly involved, and also to others who may be indirectly affected by the grievance. If a grievance involves a complaint against a person, that person will have an opportunity to provide their side of the story. That person may also bring an appropriate support person.

## Policy

The key features of this Policy are:-

**Nature of complaints and appeals**

- AGA will respond to all Complaints made in relation to any of AGA's services and activities such as but not limited to:
  - the application and enrolment process
  - marketing information
  - the quality of training and assessment provided
  - training and assessment matters, including student progress, student support and assessment requirements
  - the way someone has been treated
  - the actions of another student
  - conduct or performance of staff member
  - conduct or performance of an apprentice/trainee
  - conduct or performance of a host employer
  - services provided by AGA
- An appeal is a request for a decision made by AGA to be reviewed. Decisions may have been about:
  - course enrolment
  - refund assessments
  - response to a complaint
  - assessment outcomes / results

- other general decisions made by AGA

### **Principles of resolution**

- AGA is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, AGA ensures that complaints and appeals:
  - Are responded to in a professional, consistent and transparent manner.
  - Are responded to promptly, fairly, objectively, with sensitivity and confidentiality.
  - Are able to be made at no cost to the individual.
  - Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- AGA will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
- There are no charges to submit, a complaint or appeal to AGA, or to seek information or advice about doing so.
- Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

### **Making a complaint of appeal**

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within fifteen (15) calendar days of the original decision being made.
- Complaints and appeals should be made in writing using the Grievance Complaints and Appeals Form available on AGA's website, or other written format and sent to AGA's head office at 192, High Street, Northcote, Victoria, 3070 attention to the Chief Executive Officer.
- When making a complaint or appeal, provide as much information as possible to enable AGA to investigate and determine an appropriate solution. This should include:
  - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
  - Any evidence you have to support your complaint or appeal.
  - Details about the steps you have already taken to resolve the issue.
  - Suggestions about how the matter might be resolved.

### **Timeframes for resolution**

- The complaint or appeal will be acknowledged in writing within 24 hours or one business day.
- Any minor complaint will be dealt immediately where possible.
- In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated on the progress of the matter until such a time that the matter is resolved.

- All Complaints and appeals will be finalised as soon as practicable or at least within 15 calendar days unless there is a significant reason for the matter to take longer.

### **Resolution of complaints and appeals**

- Some or all members of the management team of AGA will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Where a third party delivering Services on behalf of AGA is involved, they will also be included in the process of resolving the complaint or appeal.
- Each party involved in the complaint or appeal may have a support person of their choice present at meetings scheduled to resolve the issue.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task. The complainant or appellant will be advised in writing of the outcome of the process and the reasons for the findings made.
- AGA will maintain the student's enrolment, if enrolled in the RTO while the complaints and appeals process is ongoing.

### **Independent Parties**

- AGA acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by AGA.
  - The independent party recommended by AGA where the training contract is at a risk is Victorian Registration & Qualifications Authority (VRQA), however complainants and appellants are able to use their own external party at their own cost.
  - Domestic students may also access the external complaint avenues indicated below free of charge.
  - AGA will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
  - The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation, and any recommendations being actioned by AGA.

### **External complaint avenues**

- Complaints can also be made via the following avenues:
- National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate

agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.
- Email: [ntch@education.gov.au](mailto:ntch@education.gov.au)
- Victorian Registration & Qualifications Authority:

Clients (apprentices, trainees, employers) can register a complaint by:

- Phone: 03 9637 2806
- Completing the online form at <https://www.vrqa.vic.gov.au/StateRegister/Public.aspx/LodgeComplaint>
- Mail at - Manager, Complaints Unit  
VRQA, GPO Box 2317  
Melbourne VIC 3001
- Victorian Human Rights and Equal Opportunity Commission

Victorian Human Rights and Equal Opportunity Commission works to resolve complaints about discrimination, sexual harassment and racial and religious vilification.

- Lines are open 9am – 5pm Monday to Friday, or submit your complaint online at <https://www.surveygizmo.com/s3/1132135/Online-Complaint-Form>
- Phone: 1300 891 848
- Email: [complaints@veohrc.vic.gov.au](mailto:complaints@veohrc.vic.gov.au)
- Fair Work Ombudsman

Fair Work Ombudsman works to resolve complaints about Australian workplace laws

Lines are open 9am – 5pm Monday to Friday, or submit your complaint online at <https://www.surveygizmo.com/s3/1132135/Online-Complaint-Form>

- Phone: 1300 799 675
- Email: [complaints@fwc.gov.au](mailto:complaints@fwc.gov.au)
- The Director, Client Services, Fair Work Commission, GPO Box 1994, Melbourne, VIC, 3001

### **Records of complaints and appeals**

AGA will maintain a record of all complaints and appeals and their outcomes and reasons for the outcomes on the Complaints and Appeals Register, which will be securely stored according to the Privacy Policy and Procedures.



## Publication

This policy and procedure will be referred to in the relevant Marketing materials, Induction Pack and available on AGA's website.

## Procedure

If a person wishes to make a formal complaint, they will be asked to provide the following information, using the AGA Grievance, Complaints & Appeals form, required for the investigation process:

- a description of the incident(s), decision or behaviour in question
- the time and date of the incident(s)
- the names of any witnesses
- what are they seeking/suggesting as an outcome

An investigator will be appointed to deal with the complaint and the investigation will seek to gather all relevant information. Once the investigation has been completed, relevant input received and all involved parties have had ample opportunity to respond, a determination will be made and an appropriate course of action will be communicated to all parties concerned.

## Appeal Process

If any party is not satisfied with the outcome, an appeal may be lodged either internally with the C.E.O. or externally with the appropriate agency.

## Responsible Persons

All Managers

## Reference Documents

- Grievance, complaints & appeals policy
- Grievance, complaints & appeals form
- Grievance, complaints & appeals Register
- Grievance, complaints & appeals flowchart
- Customer Service Charter
- Apprentice/Trainee Induction Guide
- Student Handbook
- AGA Web-site
- AGA Continuous Improvement Policy & Procedure

- Investigation Notes, Report & Statement forms•

**Policy Approved by:** CEO

**Distributed to:** All sites via Intranet (<https://intranet.intowork.com.au>)