



South West Music

Policy and Procedures Manual

SECTION 4

HUMAN RESOURCE MANAGEMENT

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VERSION 1.1

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4.1 RECRUITING SELECTING AND APPOINTING STAFF

4.1.1 OBJECTIVE

South West Music's continued success depends largely on our ability to recruit and retain quality staff who share our vision and values and are committed to delivering the highest quality client service. As such the organisation will ensure that the processes utilised support the appointment of staff with the skills and experience to contribute to the organisation meeting its goals and strategic direction.

4.1.2 SCOPE

This policy relates to all staff and volunteers undertaking the operations of the organisation.

4.1.3 PRINCIPLES

- i. Operating with the highest level of ethics and probity
- ii. Being accountable
- iii. Building stable and long-term relationships with our customers;
- iv. Assisting staff achieve a high level of job satisfaction
- v. Building sustainability
- vi. Maximising return on investment

4.1.4 LINKAGES

SWM Position Descriptions

Selection Panel Report

SWM Contract of Employment

Working With Children Check

[Employment Kit](#)

4.1.5 RECRUITMENT OF STAFF:

- i. The Organisation shall ensure that it adopts a fair and transparent recruitment process, reflecting a commitment to equal opportunity including:
 - Selection based on merit and cultural fit;
 - The use of position descriptions and selection criteria;
 - Managing the interview process;
 - Undertaking background checks;
 - Evaluation and selection of applicants;
 - Making an offer of employment; and

- Execution of an employment contract.
- ii. All appointment will be in accordance with relevant employment legislation.
- iii. If deemed appropriate by the Director and Board of Management, available positions will be advertised internally in the first instance to allow current staff the opportunity to apply.
- iv. If the internal process is not successful the position will be advertised in the press with a contact for applicants to apply to so they can receive all relevant information regarding the position.
- v. Prior to advertising the Position Description will be reviewed to ensure any changes in duties can be implemented.
- vi. The Selection criteria shall be attached to the Position Description.
- vii. Upon advertising, all interested applicants shall receive an Information Pack including Position Description, Selection criteria and relevant information about the organisation.
- viii. The Organisation shall not employ any persons that may pose an unacceptable risk to children and other vulnerable people.
- ix. The Organisation shall not employ any person who has been convicted of a serious sex offence and is a prohibited person under the Child Protection (Prohibited Employment) Act 1998.

4.1.6 SELECTION PANEL:

- i. A Selection Panel will be used to undertake the staff selection process.
- ii. The Panel shall consist of three members, consisting of both male and female members and where possible and appropriate an independent person.
- iii. The Panel may consist of Board of Management members and staff where appropriate.
- iv. Deliberations of the Selection Panel shall be recorded and maintained on file. See Selection Panel Report.
- v. Where possible, allowing for time constraints, the Selection Panel will interview at least two referees provided by the preferred candidates prior to making their final decision. If time constraints exist the Panel Convenor will undertake this task prior to any jobs being offered.
- vi. Applicants will be notified of the outcome of their application as soon as possible after the interview.

4.1.7 APPOINTMENT:

- i. Upon appointment to a position new staff will be required to sign off on an agreed contract of employment, which will outline conditions of employment.
- ii. All employees shall be required to sign a Prohibited Persons Employment Declaration.

- iii. All staff will receive an Employment Kit with all relevant documentation at the commencement of their employment with the organisation.
- iv. All employees shall be required to undergo a National Criminal History Check. See Employment Kit and Induction Information
- v. All staff will be required to sign off on the Code of Conduct and a Confidentiality and Security Agreement. See Employment Kit.
- vi. All staff will be placed on a 12 month probation period.

4.2 STAFF MANAGEMENT AND DEVELOPMENT

4.2.1 OBJECTIVE

South West Music will manage staff within a framework that assists them to achieve their objectives, develop skills and enjoy personal growth alongside contributing to the overall goals and objectives of the organisation.

4.2.2 SCOPE

This policy relates to all staff and volunteers undertaking the operations of the organisation.

4.2.3 PRINCIPLES

- i. Operating with the highest level of integrity and professionalism
- ii. Being accountable
- iii. Client focused service delivery
- iv. Assisting staff achieve a high level of job satisfaction
- v. Maximising return on investment and building sustainability

4.2.4 LINKAGES

Employee Kit

Employee Induction Checklist

Induction Process Booklet & Timetable

SWM Induction Reading

Staff Induction Evaluation Form

Supervision Agreement

Staff Performance Development Review Forms

SWM Leave Application Form

Fair Work Act

National Employment Standards

4.2.5 NEW WORKER INDUCTION:

- i. South West Music's induction training is designed to make a new employee welcome right from the outset, and to ensure that they quickly become familiar with 'the way we do things around here'.
- ii. Before a new staff member is due to start, we work with a pre-induction checklist. This ensures that an appropriate work area has been established, paper work completed, and an induction timetable has been developed.

- iii. The induction period timetable will be established for a minimum of two working weeks.
- iv. During our initial induction process a new staff member is:
 - Introduced to staff and the roles they perform in the organisation;
 - Trained in the use of office equipment, such as the telephone system;
 - Trained in the use of operational software (where applicable)
 - Inducted into the office environment and emergency procedures
 - Introduced to our internal policies and procedures
 - Introduced to the organisation’s strategic goals and plans
 - Introduced to a range of reference material in regards to current programs
 - Introduced to partner organisations
 - Given the opportunity to provide feedback in regards to the induction process

4.2.6 SUPERVISION:

- i. South West Music expects all employees to engage in supervision on a regular and timely basis.
- ii. A Supervision Agreement outlining expectations of supervision, frequency and confidentiality will be negotiated between individual staff and their Supervisor. See Supervision Agreement.

4.2.7 PERFORMANCE DEVELOPMENT REVIEWS (STAFF APPRAISALS):

- iii. South West Music's Performance Development Review (PDR) process is designed to allow staff to formally review their development objectives, including their personal career aspirations; and Managers to formally review the performance of their staff.
- iv. All permanent and part-time employees participate in periodic reviews.
- v. The following table describes the timing of PDR events during the probation period:

TIME	EVENT	FORM
2 weeks after commencement	First follow up meeting	Induction Checklist
1 Month	Second follow up meeting Introduction of Supervision Agreement	Supervision Agreement Supervision Record
3 months	Probation review meeting (Probation period extended if required)	Performance Development Review Forms
6 Months	Probation Review meeting	Performance Development Review Forms
12 Months from appointment and each subsequent year	Probation ends Annual Performance Development Review	Performance Development Review Forms

- vi. Appraisal of the Director is to be undertaken by the Chairperson of the Board of Management or can be delegated as seen appropriate by the Board of Management.
- vii. The Director is delegated the responsibility of undertaking all other staff Performance Development Reviews.
- viii. Performance Development Reviews are a two way process and implemented utilising a formative approach.
- ix. Staff Performance Development Review sessions shall be scheduled to coincide with organisational strategic planning processes.
- x. Elements of the process include:
 - Job Analysis – consideration of Position Description and analysis of chief components
 - Identification of major duties
 - Identification of strengths/areas of improvements – outline objectives for development in form of concise and specific strategies.
 - Articulate/demonstrate how SWM objectives will be achieved
 - Prepare performance indicators for each objective demonstrating time frame.
 - Meet with supervisor to jointly review and discuss content of plan and its relationship to organisational Business Plan
 - Joint agreement on development of plan
 - Constructive feedback on implementation of plan
 - Set date for review.

4.3 EMPLOYMENT SYSTEMS

4.3.1 OBJECTIVE

South West Music will have fair and effective systems to support its role as an employer of first choice and to comply with all relevant employment legislation.

4.3.2 SCOPE

This policy relates to all staff and volunteers undertaking the operations of the organisation.

4.3.3 PRINCIPLES

- i. Operating with the highest level of integrity and professionalism
- ii. Being accountable
- iii. Being an “Employer of Choice”
- iv. Maximising return on investment and building sustainability
- v. Minimisation and management of risk
- vi. Ongoing review and evaluation

4.3.4 LINKAGES

SWM Leave Application Form

Fair Work Act

National Employment Standards

SWM Confidentiality Agreement

SWM Training Agreement

SWM Grievance and Complaints Procedure

SWM Employee Exit Interview Form

SWM Employee Exit Checklist

SWM Meal and Entertainment Claim Form

4.3.5 STAFF MEETINGS:

- i. Staff meetings for teachers and staff shall be held regularly, at a minimum once a term.
- ii. The organisation operates an open agenda for Staff meetings where any staff member can contribute items for discussion at Staff meetings.
- iii. All teachers and staff are expected to attend staff meetings.

4.3.6 HOURS OF WORK:

- i. All staff are to present for work on the days and time negotiated at the beginning, or through, their period of employment.
- ii. South West Music offices are generally open 9.00 am – 5.00 pm Monday to Thursday.
- iii. From time to time staff may be required to work outside these hours.
- iv. Lunch breaks are flexible and generally taken between 12 and 2.00 pm however this is to be negotiated with your supervisor and colleagues to ensure adequate cover of the office is maintained.
- v. Absences due to illness are to be reported to the Director prior to not presenting for work at the scheduled time.
- vi. Any work completed in excess of the normal hours of work and approved by your Supervisor or the Director shall be regarded as overtime.
- vii. Overtime, unless otherwise negotiated, is to be taken as time in lieu.
- viii. Time in lieu is to be taken at a time mutually agreed to by the employee and employer.
- ix. Time in lieu must not be accumulated in excess of 15 hours before being taken or the employee may forfeit the extra time.
- x. It is the responsibility of the staff to keep a record of extra hours worked.

4.3.7 LEAVE ENTITLEMENTS:

- i. Requests for leave are to be submitted to the Director on the Leave Application Forms prior to taking any leave.
- ii. Leave entitlements will be in line with the Federal Fair Work Laws and National Employment Standards, which should be read in conjunction with this section.

4.3.8 EMPLOYMENT AGREEMENTS:

- i. The conditions of your employment are outlined in your letter of offer of employment. This letter confirms important details about your position. These include job title, remuneration, hours of work, probationary period, and use of confidential information.
- ii. When you and our representative have signed the letter of employment, it becomes an agreement.
- iii. South West Music's policies and procedures do not form part of your contract of employment. They are discretionary guidelines and may be varied or not applied by South West Music at its discretion.

4.3.9 STAFF RESPONSIBILITIES:

- i. Staff will be responsible to the Board of Management as their employer and will adhere to directions from the Board of Management or their delegate.
- ii. Staff are expected to present for work free from the influences of alcohol and/or other drugs, failure to do so may result in dismissal.
- iii. Staff are expected to present for work in neat casual attire.
- iv. All staff are responsible for maintaining the confidentiality of information relating to the business affairs of staff, service users and other confidential operations of the organisation. All staff are required to sign off on a Confidentiality Agreement.
- v. All staff are responsible for implementing the organisation's WH & S Program and Worksafe Policies and Procedures to ensure a safe workplace is provided at all times.
- vi. All staff shall be present on their negotiated days of employment unless otherwise negotiated with the Director or Supervisor.
- vii. All staff will submit a timesheet each fortnight, which will be signed off by the Director.
- viii. Staff have a responsibility to attend any in-service and/or training sessions organised, whether by the Organisation or relevant community organisation as requested by the Director or Supervisor.
- ix. Staff are responsible for ensuring they operate with respect for other employees at all times. This includes not engaging in loud conversations or other disruptive behaviour, which may affect the ability of others to carry out their work.
- x. Repeated failure to comply with any of these responsibilities may lead to disciplinary action.

4.3.10 STAFF RECORDS:

- i. A confidential file shall be maintained on each staff member that will include their application, contract of employment, signed declarations, signed Induction Checklist, Policy and Procedure Manual Agreement, copy of drivers licence, reports on performance reviews, correspondence, records of any grievance procedures and timesheets.
- ii. Employment records (timesheets), outlining accrual of sick and annual leave entitlements, shall be maintained in each employees file and electronically in the QuickBooks payroll system.
- iii. All staff records shall be kept confidential and in locked filing cabinets.
- iv. To access their personnel file staff are required to make a request to the Director. Access will be provided in normal office hours in a timely manner under supervision by the Director.

4.3.11 TRAVEL POLICY:

For Teacher Travel Policy refer to Section 1.10

For Board and Employee Travel Policy refer to Section 2.3.10

4.3.12 PROFESSIONAL DEVELOPMENT:

At South West Music we believe that ongoing training of staff and volunteers is a critical component of our business operations that benefits both South West Music and our staff.

- i. South West Music provides:
 - In-house training either on a one to one or group basis;
 - External training including industry seminars and short courses; and
 - Educational assistance for qualification award courses
- ii. As such staff will be expected, and supported, to undertake regular training and skill development opportunities so as to be able to increase and improve the skills required for their relevant position and the organisation as a whole.
- iii. An amount will be provided in the organisation's annual budget to resource training for the organisation.
- iv. Financial support for professional development will be available to volunteers, in particular Board Members, to an agreed amount.
- v. The Conservatorium will provide financial assistance for approved professional development activities only.
- vi. Each position within the organisation shall have an annual training budget calculated pro rata, based on the number of hours they are employed with the Conservatorium. The agreed amount will be available to the incumbent to allow them to undertake training options reflecting the outcomes identified during their regular appraisals and supervision.
- vii. Employee's training options shall be developed in conjunction with their Supervisor and validated by the Director.
- viii. Unless otherwise negotiated, individual professional development allocations must be used within the nominated year. Staff are required to submit a brief report on the outcomes of their particular program.
- ix. Staff must provide evidence of the relevance and quality of any professional development activity to the Director for their approval.
- x. A Training Agreement will be completed for all training undertaken.
- xi. A Register of attendance at any approved professional development activity will be kept in each employee's file.

4.3.13 GRIEVANCES AND COMPLAINTS POLICY:

- i. The purpose of South West Music's Internal Grievance Resolution Procedure is to establish a consistent approach in dealing with conflicts in the workplace, internal complaints about the work environment and issues of misconduct or poor performance.
- ii. This procedure is designed to allow staff, parents and students to air their legitimate complaints knowing that ad hoc, vindictive or arbitrary action will not be taken against them or the person to whom the complaint is directed.
- iii. By providing a clear set of guidelines it should be possible to deal with grievances promptly and quickly. This should prevent a minor grievance turning into a major problem.

WHAT IS A GRIEVANCE?

A grievance is a statement by you about a work-related problem, concern or complaint. It may be a grievance relating to an individual member of staff, a dispute between the staff member and our organisation or a dispute between a parent or student and our organisation.

GRIEVANCE RESOLUTION PROCEDURE

If you have a grievance you are entitled to use the procedure outlined in SWM Grievance Procedure. The best way of resolving a grievance will depend on the circumstances. However, you are encouraged to act promptly once a grievance situation arises. This avoids unnecessary escalation of the problem.

- Talk directly with the teacher or staff member involved and state that you have a complaint.
- If the matter is not resolved immediately the teacher, staff member, parent or student should report the grievance to the Director.

GRIEVANCE INVESTIGATION

Once you have lodged your grievance with the Director, they will investigate the complaint and attempt to resolve the issue. The director will report back to the complainant within seven days.

If a formal investigation is required, details will be recorded and an investigation will be conducted. This will determine the substance of the grievance and whether disciplinary/rectification action is necessary.

The investigation may involve interviewing relevant witnesses and examining relevant documents.

The person whom you have raised the grievance against will be provided with details of the complaint and will have the opportunity to respond to any allegations, which have been raised against them.

Conflict shall be addressed in a non-threatening manner.

Win-win solutions shall be aimed at.

The records and outcomes of all grievance/ dispute resolutions shall be maintained in the employees file.

A member of the Board Executive will deal with grievance where the complaint involves the Director.

INTERNAL RESOLUTION

The person conducting the investigation is known as the investigator.

The person appointed to this role may vary depending on the nature of the grievance and the identity of the person against whom the complaint has been made.

The investigator will deal with your grievance on the facts presented and contact you if they require any additional information.

Based on the available information the investigator may:

- Request a face-to-face meeting with the relevant parties and attempt to achieve resolution through discussion.
- Reject the grievance and provide reasons for this rejection; or
- Accept the grievance and suggest an appropriate remedy.

During the investigation and resolution process normal work must continue.

All internal investigations will be reported to the Board in a non-identifying manner.

EXTERNAL INTERVENTION

If you are not comfortable raising a grievance through the Internal Grievance Procedure or you have done so and are not satisfied with the outcome of the internal grievance resolution process, you may wish to lodge a complaint with an external body to act on your behalf.

4.3.14 ENDING YOUR EMPLOYMENT:

- i. An employee may terminate their service to the organisation by giving the employer notification in line with the Fair Work Law.
- ii. All exiting staff shall be offered an exit interview. See Employee Exit Interview Form
- iii. An Employee Exit Checklist will be followed when ending a workers employment. See Employee Exit Checklist
- iv. Results of the exit interview shall be reported to the Director or Board of Management and utilised to inform future organisational progress and development of Position Descriptions.

4.3.15 TERMINATION OF EMPLOYMENT:

- i. Termination of employment will adhere to the National Employment Standards.
- ii. A central component of these procedures is to ensure that all employees are treated fairly.
- iii. Our Discipline & Termination Procedure should be clearly distinguished from our Performance, Development & Review Program through which we encourage

supervisors to provide feedback and counselling to staff with respect to their performance.

- iv. Our Discipline & Termination Procedures set out guidelines to be followed in the following circumstances:
 - Summary dismissal – (dismissal without notice)
 - Dismissal for unsatisfactory performance
 - Redundancy
 - Abandonment of employment
- v. In addition, we have developed procedures to ensure that company property is to be returned and access to company information is restricted whenever an employee leaves South West Music.
- vi. Our commitment to quality discipline and termination procedures is designed to ensure that all employees are treated fairly and to protect company assets.

4.4 WORK HEALTH AND SAFETY

4.4.1 OBJECTIVE

South West Music will ensure staff and volunteers are provided with a safe and healthy working environment that complies with all relevant legislation.

4.4.2 SCOPE

This policy relates to all staff and volunteers undertaking the operations of the organisation.

4.4.3 PRINCIPLES

- i. Being accountable
- ii. Highest level of safety
- iii. Minimisation and management of risk
- iv. Ongoing review and evaluation

4.4.4 LINKAGES

NSW Work, Health and Safety Act 2011

Incident Report

[Workplace Safety Checklist – SWM premises](#)

Vehicle Inspection List

[Office Signage and Equipment Check](#)

4.4.5 ROLES AND RESPONSIBILITIES:

- i. All directors and individuals who perform work on behalf of South West Music have a part to play in ensuring that we maintain a safe workplace.

Specifically:

DIRECTORS / EMPLOYERS - All directors and employers have an obligation to ensure the general health, safety and welfare at work of all employees as well as other workers (such as contractors) who may be present in our workplace.

MANAGERS / SUPERVISORS - The law extends workplace safety responsibility to managers and supervisors. Managers and supervisors are directly responsible for workplace safety within areas under their control.

WORKERS - As a worker (including directors, employers, managers, supervisors and employees) YOU MUST:

- Take reasonable care for the health and safety of co-workers and ensure that your actions do not put your co-workers at risk; and
- Work safely; and

- Use and maintain machinery and equipment properly; and
- Ensure that your work area is free of hazards; and
- Co-operate with South West Music in anything that you are required to do in order to ensure a safe workplace including:
 - (a) notifying your supervisor of actual and potential hazards
 - (b) wearing or using prescribed safety equipment
 - (c) carrying out work in a safe manner
 - (d) following health and safety instructions
 - (e) taking notice of signs
 - (f) adhering to speed limits
 - (g) participating in safety training.

As a **WORKER YOU MUST NOT:**

- Intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety and welfare;
- Move or deface signs;
- Tamper with warning alarms;
- Remove machine guards;
- ‘Skylark’;
- Play jokes that may put the health and safety of others at risk;
- Behave in a way that results in risk to others; or
- Intentionally hinder or obstruct the giving or receiving of any form of aid when a person is injured at work.

CONTRACTORS, SUB-CONTRACTORS AND VISITORS - All visitors, contractors and sub-contractors engaged to perform work on South West Music's premises are required, to comply with South West Music's Workplace Safety Program and to observe directions on health and safety from South West Music's managers and staff. Failure to comply or observe a direction will be considered a breach of contract and sufficient grounds for termination of a contract. Visitors who fail to follow directions should be asked to leave the premises.

4.4.6 REPORTING INCIDENTS:

- ii. All incidents in the workplace must be recorded in the South West Music's Injury/Incident Register.
- iii. On occasion an incident may occur in the workplace, which highlights the existence of a hazard; but does not result in an injury (e.g. a worker may slip but not be injured). This is called a 'near miss'. In these cases the incident must be recorded through South West Music's Injury/Incident Register. The incident will be investigated and corrective action taken where this is deemed necessary.

4.4.7 WORKPLACE INSPECTIONS:

- i. It is South West Music's policy to carry out workplace inspections on a regular basis to ensure that we maintain a safe workplace. See [South West Music's Workplace Inspection Checklists](#).

4.4.8 CONSULTATION WITH STAFF:

- ii. Workers are in the best position to identify potential workplace hazards and to make recommendations with respect to the implementation of hazard control measures.
- iii. Workplace Safety will be a standing agenda item at all staff meetings.
- iv. All staff will sign off on the Minutes of staff Meetings to acknowledge that they understand and are aware of the Workplace Safety issues, changes and treatments discussed at the meeting.

4.4.9 WORKPLACE SAFETY AND SECURITY:

- i. Through South West Music's WH&S Program we actively work to identify potential hazards in the work place, assess the potential risks associated with these hazards, and implement treatments and controls to either eliminate the hazards (if possible) or to control the hazards if it is impractical to eliminate them.
- ii. South West Music's Director has the day-to-day responsibility for ensuring that these policies are effectively implemented. Each policy sets out the particular responsibilities of individual workers with respect to the identified hazard.

4.4.10 OFFICE ENVIRONMENT:

- i. South West Music encourages staff to be alert and vigilant so that any potential security breaches are minimised or eliminated.
- ii. We also encourage you to be particularly careful with your own valuables in the workplace, and office equipment such as mobile phones and laptop computers.
- iii. Avoid leaving valuable items on display. This can be a temptation to others. Keep valuable items out of sight and preferably locked away. Do not leave keys in obvious places;

4.5 CHILD PROTECTION POLICY

4.5.1 INTRODUCTION

SWM Regional Conservatorium is dedicated to the emotional, physical and musical well being of children under its care. Consequently, as a major strategic concern, SWM is committed to the development and management of policy that governs the safety of students within its care and for the teaching, administrative and auxiliary staff employed by our organisation. This policy will outline South West Music's policy regarding:

- i. Child Protection in general
- ii. Child Protection Employment Requirements
- iii. SWM Child Protection Reporting Procedures
- iv. SWM's actions in response to allegations against Employees – Non-reportable, inappropriate conduct with children
- v. SWM's actions in response to allegations against Employees – Reportable Conduct
- vi. Equity and Confidentiality
- vii. Roles and Responsibilities

This policy has been developed in line with the NSW Ombudsman guidelines for child protection in the workplace and procedures for the management of child protection and in line with the relevant legislation regarding child protection.

This policy should be read in conjunction with the following SWM policies and contracts:

- SWM Code of Conduct
- SWM Risk Management Policy
- SWM Studio Risk Management Policy
- SWM Employment Contracts

4.5.2 RELEVANT LEGISLATION

- NSW Ombudsman Act 1974
- Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Children and Young Persons (Care and Protection) Act 1998
- Crimes Act 1900
- Privacy Act 1988
- Freedom of Information Act 1982

Copies of legislation are available at
http://www.austlii.edu.au/au/legis/nsw/consol_act

4.5.3 DEFINITIONS

External organisation: Refers to any organisation including government and non-government primary school, secondary school or pre-school. External organisations also include tertiary institutions, churches or any other organisation where children are engaged. External organisations are also defined as being beyond the administrative or legal control of SWM Regional Conservatorium.

Personnel: refers to any employed, volunteer or visiting person engaged by SWM specifically to work with children. Where personnel are specifically related to SWM they are referred to within this policy as South West Music Regional Conservatorium personnel.

4.5.4 CHILD PROTECTION POLICY STATEMENT

MANDATORY REPORTERS

- a) A mandatory reporter in NSW is an individual required by under Section 27 of the Children and Young Persons (Care and Protection) Act 1998 to report to the Child Protection Helpline (132 111) when he/she has reasonable grounds to suspect that a child, or a group of children, is at risk of significant harm from abuse or neglect, and those grounds arise during the course of, or from, the person's work.
- b) Conservatorium employees are mandatory reporters.

4.5.5 REPORTABLE CONDUCT UNDER THE OMBUDSMAN ACT 1974

- a) Reportable conduct refers to the following:
 - i. Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an
 - ii. Any offence involving child abuse material [within the meaning of Division
 - iii. 15A of Part 3 of the Crimes Act 1900]); or
 - iv. Any assault, ill treatment or neglect of a child; or
 - v. Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.
- b) Young Persons (Age 16–17 years)
 - i. As a mandatory reporter in NSW, you should also report concerns you have about the safety, welfare, or well-being of a young person, under Section 24 Children and Young Persons (Care and Protection) Act 1998.

4.5.6 PROCEDURES FOR REPORTING CONCERNS

- a) If there are concerns about the safety, welfare or well-being of a child or young person normal procedures for reporting to FaCS are to be followed:
 - i. Inform the SWM Director

- ii. Gather relevant information to make a report to FaCS however, staff are not permitted to investigate or probe students for further information. Where a legitimate concern exists report first.
- iii. Provide any further information required by the FaCS Helpline Officer
- iv. If these concerns relate directly to the actions of the Director, report these directly to FaCS via their Helpline on 132 111.

4.5.7 SAFEGUARDS FOR PEOPLE MAKING A REPORT

- i. The identity of any individual who makes a report is confidential, although it is necessary to provide some identifying details when a report is made to FaCS Helpline.
- ii. Any person who makes a report in good faith to FaCS (or to a person who has the power or responsibility to protect the child or young person, i.e. the SWM Director) has the following protection by law:
 - i. the making of a report does not constitute a breach of professional ethics or a departure from accepted standards of professional conduct
 - ii. no liability for defamation can be incurred because of the report
 - iii. the report is not admissible in any proceedings as evidence against the person who made the report
 - iv. a person cannot be compelled in any proceedings to provide the report or give evidence of any of its contents
 - v. no person may disclose to anyone (including the parent/carer) the identity of the person who makes the report unless with the person's permission, or in accordance with a court order
 - vi. no staff member should respond to an enquiry or complaint about a report or confirm or deny that any report has been made

4.5.8 CHILD PROTECTION EMPLOYMENT REQUIREMENTS

South West Music Regional Conservatorium requires that all activities conducted by SWM or in conjunction with SWM including, but not restricted to, teaching, excursions, conducting, recitals, examinations and performance programs in government and non-government schools or other external organisations conform to the SWM Risk Management policies and procedures regarding child protection and WH&S.

Accordingly:

- i. All new personnel involved with children under the auspice of South West Music will be required to complete a NSW Working with Children Check as per the requirements of the Commission for Children and Young People and the Office of the Children's Guardian. Application and information for the NSW Working with Children Check can be done at the Office of the Children's Guardian website: <http://www.kids.nsw.gov.au/Working-with-children/New-Working-with-Children-Check>

- ii. All SWM personnel are required to provide their NSW Working with Children Check Number prior to the commencement of employment.
- iii. All offers of employment with SWM are contingent upon a successful Working with Children Check.
- iv. As at the 1 July 2013 the NSW Working With Children Check system changed. For existing employees of SWM at the 1/7/2013 their current Working With Children Check remains current until the 1st April 2016. All current and new employees of SWM are responsible for and must have applied for, and provided to SWM, their NSW Working With Children Number by the 15th March 2016. A failure to provide the Working With Children Check number by this date will result in immediate suspension of duties without pay until the Working with Children Check has been completed.
- v. All personnel engaged with SWM will be required to adhere to SWM Code of Conduct.
- vi. Child Protection training is a fundamental requirement of SWM employment. Training in Child Protection is a legislative requirement and applies to all SWM personnel. Training in Child Protection is mandatory and will be provided at SWM's expense.
- vii. All teaching venues must adhere to the SWM Teaching Studio Risk Management Policy. Offsite teaching studios may not be utilised except where direct approval from the SWM Board of Management has been received. Schools where SWM programs are in operation will be required to assist in the management of the SWM Teaching Studio Risk Management Policy.
- viii. At the commencement of duties and annually thereafter this policy and training will be updated and signed off by all SWM staff as being read and understood.
- ix. All personnel engaged by SWM will be required to show evidence of a NSW Police Check.

4.5.9 SOUTH WEST MUSIC CHILD PROTECTION REPORTING PROCEDURES

WHEN ALLEGATIONS HAVE BEEN MADE AGAINST SWM REGIONAL CONSERVATORIUM STAFF TO THE SWM REGIONAL CONSERVATORIUM:

- i. SWM will treat all reports in strict confidentiality and protect the professional reputation of teachers at all times. SWM will operate all child protection matters on an allegation basis.
- ii. SWM personnel are required to report any matter pertaining to the protection of children under this policy.
- iii. All SWM personnel are required to report any Child Protection matter to the SWM Director or his/her nominee within three days.
- iv. SWM will report immediately to Family and Community Services (FaCS) in accordance with the NSW Ombudsman's Act 1974 and Child Protection Legislation Amendment Act 2003.
- v. In accordance with legislation, SWM will report any allegation of child abuse without initial reference to the personnel to FaCS and the Ombudsman's Office. Under legislation, SWM will not investigate the matter further until formal investigations by relevant external organisations are complete.

WHEN A SCHOOL HAS LODGED AN ALLEGATION REGARDING SWM REGIONAL CONSERVATORIUM STAFF

- i. Where allegations are made against any SWM personnel within the jurisdiction of an external organisation including schools, SWM will take advice from that organisation and the relevant child protection agency attached to that organisation.
- ii. Where allegations relate to reportable conduct, the SWM Director will report the matter independently to the external organisation to FaCS and/or the police where appropriate.
- iii. SWM will suspend all duties of the recipient of the allegation with that external organisation until cleared by that organisation's child protection agency, or the Police depending upon the nature and seriousness of the allegation.
- iv. SWM reserves the right not to suspend personnel from other SWM activities where insufficient evidence is provided by the external organisation to support suspension. Where allegations are of a serious or sexual nature, the SWM will act in accordance to advice from the Department of Community Services, the Police, Commission for Children and Young People (CCYP) or the relevant Child Protection agency attached to the external organisation.

ALLEGATION MANAGEMENT OF NON SOUTH WEST MUSIC STAFF

- i. Where allegations are made to SWM relating to persons who are not SWM Personnel, SWM will report any allegation of abuse according to legislative requirements as detailed in the CCYP Act 1998. Where abuse is alleged to have occurred within the jurisdiction of an external organisation, SWM will act in accordance with the legislation and consult with the Child Protection Agency attached to the external organisation.
- ii. All allegations will be held in the strictest confidence in accordance with the Privacy Act 1988.

4.5.10 ALLEGATION MANAGEMENT OF SOUTH WEST MUSIC REGIONAL CONSERVATORIUM PERSONNEL

SWM ACTIONS IN RESPONSE TO ALLEGATIONS AGAINST EMPLOYEES – NON-REPORTABLE, INAPPROPRIATE CONDUCT WITH CHILDREN

- i. Where conduct is deemed non-reportable by the NSW Ombudsman's Act 1974 and Child Protection Legislation Amendment Act 2003 and the CCYP Act 1998, SWM reserves the right to take appropriate disciplinary action, upon legal advise, where personnel are alleged to have acted inappropriately with children.

SWM ACTIONS IN RESPONSE TO ALLEGATIONS AGAINST EMPLOYEES – REPORTABLE CONDUCT

- i. Where conduct is deemed reportable by the NSW Ombudsman's Act 1974, CCYP Act 1998 and the Child Protection Legislation Amendment Act 2003, and pending the outcome of investigations by the relevant external agencies, SWM reserves the right to:

CONTRACTED STAFF OR CASUAL STAFF: Suspend without pay any contracted or casual personnel from all SWM activities where allegations

relate to serious or sexual abuse of children. This includes any behaviour regarded under the NSW Ombudsman's Act 1974 or the Child Protection Legislation Amendment Act 2003 and the CCYP Act 1998 as reportable conduct. This suspension will be reviewed every four weeks after appropriate risk assessment of evidence available to SWM.

SALARIED STAFF OR PERMANENT PART-TIME STAFF: Suspend salaried staff or permanent part time staff, on full pay for the duration of the investigation from all SWM activities where allegations relate to serious or sexual abuse of children. This includes any behaviour regarded under the NSW Ombudsman's Act 1974 or the Child Protection Legislation Amendment Act 2003 as reportable conduct.

This matter will be reviewed every four weeks after appropriate risk assessment of evidence available to SWM. Updates will be provided to the suspended personnel at the same time.

The conditions of suspension will be reviewed at 10 weeks from suspension date where investigations do not reject, on the basis of evidence, the allegation.

SWM ACTIONS IN RESPONSE TO CRIMINAL CHARGES BEING LAID OR HIGH PROBABILITY OF RISK

- i. The SWM Board of Management reserves the right, upon appropriate risk assessment and legal advice, to terminate a fixed term contract where criminal charges are laid or where investigations have been suspended and evidence available to SWM suggests further contact, by the alleged, with children carries a high probability of risk to children or SWM.

SWM reserves the right to terminate any personnel contract immediately upon advice from the Ombudsman, Police or other authority where criminal charges are made against any SWM personnel or where extreme risk to children or SWM Regional Conservatorium is probable.

4.5.11 EQUITY AND CONFIDENTIALITY

- i. SWM will treat all allegations in the strictest of confidence under the Privacy Act 1988 and the Freedom of Information Act 1982.
- ii. SWM will provide wherever possible emotional and medical support to any child or adult who has been the recipient of abuse while in the care of SWM at the time of the abuse or where the abuse was inflicted by any SWM personnel.
- iii. Any SWM personnel who are the recipient of an allegation of abuse will be offered whatever emotional support may be required to assist them through the investigative process.
- iv. All SWM personnel are required to maintain strict confidentiality relating to all aspects of this policy or any case/ situation/ investigation falling under this policy. Any breach of confidentiality in relation to any case/

situation/ investigation falling under this policy will be regarded as serious and will attract disciplinary action or, where appropriate and in conjunction with legal advice, termination of contract.

4.5.12 ROLES AND RESPONSIBILITIES

SWM PERSONNEL

All SWM Personnel are required to complete the annual Child Protection Training, either online or as provided by SWM. This Training must be completed by the deadline set by the Director.

All SWM Personnel are bound by the NSW Ombudsman's Act 1974 to report any incident of Child Abuse within the context of the SWM Regional Conservatorium and this policy to the SWM Director within three days of the receipt of the allegation. A failure to report an allegation of abuse within this time frame may result in disciplinary action or termination of contract depending upon the nature of the allegation.

SWM DIRECTOR

The SWM Director will manage the Child Protection Policy and ensure that all personnel complete the annual Child Protection Training.

The SWM Director will report all allegations of abuse to FaCS and CCYP within three days of receipt of the allegation. A failure to report in accordance with legislative requirements may result in disciplinary action or termination of employment.

The SWM Director will advise and consult with the SWM Board in the management of the SWM Risk Management Policy and the relevant linking of policies to Child Protection.

The SWM Director will inform, under the confidentiality conditions of this policy, the President of the SWM Board of Management any allegations made against SWM Personnel.

The SWM Director will, upon consultation with the SWM Board of Management, enact any component of this policy as required. The Director is required to ensure the Board of Management, is made aware of all allegations against SWM Personnel in relation to risk management. The Director is not entitled to disclose confidential aspects of any allegation to the Board of Management beyond that which is required to manage risk. The Board of Management must treat all matters falling under this policy as strictly confidential under the relevant legislation.

The Director is required at the completion of any employment proceedings in relation to this policy to notify CCYP under attachment 8 of the Working with Children Check Guidelines. The Director will in accordance with Attachment 10 of the guidelines notify the personnel involved with the notification of any relevant notifications utilising the pro-forma documents provided by CCYP.

SWM BOARD OF MANAGEMENT

The SWM Board of Management will ensure that all SWM activities are conducted within acceptable levels of risk. Where appropriate, the Board of Management may recommend the suspension of services to external organisations where that organisation fails to meet acceptable standards to teaching facilities in relation to child protection.

The SWM Board of Management will ensure that it remains the currency of SWM Child Protection Policy and maintains the SWM Child Protection Policy in accordance with any changes to the relevant legislation.

Further, the SWM Board of Management will equip the organisation with current legal rights and responsibilities as regards child protection, staff legal support and child welfare.

The SWM Board of Management will provide oversight on all aspects of the SWM Child Protection Policy.

The SWM Board of Management, at the Chair's discretion, will meet as required in order to ensure the Director and personnel have managed all aspects of this policy in accordance with policy and legislative requirements.

4.5.13 CODE OF CONDUCT SPECIFIC TO CHILD PROTECTION

To ensure compliance with all requirements under the Child Protection Legislation SWM Regional Conservatorium staff and teachers will:

- i. Treat students with courtesy and dignity by:
 - a) Employing respectful and impartial language
 - b) Protecting their students from humiliation, embarrassment, intimidation or harm
 - c) Respecting their students' privacy
 - d) Respecting their students' personal space
- ii. Develop and maintain a professional relationship with students by:
 - e) Refraining from using sexual innuendo or other inappropriate language
 - f) Avoid unnecessary or inappropriate touching
 - g) Refuse to accept a student as a 'Friend' on Facebook
 - h) Ensure that their privacy settings on Facebook or other social media tools, prevent students from viewing their Facebook page or other private information
 - i) Refrain from unnecessary communication outside of the lesson by email or phone.
 - j) Where communication is necessary by text, telephone or electronically, a copy of the message must be directed to the parent as well as the student.