Safe & Ethical Practice

During Student Workplace Learning

Implementation Guidelines

(Safe & Ethical Practice – TAFE NSW Policy PD20050104V02)
Safe and Ethical Practice – Guidelines for during Student Workplace Learning

1. Purpose

To support the implementation of the Safe and Ethical Practice during Student Workplace Learning Policy (PD/2005/0104/V03) – This guide applies particularly in relation to clients in vulnerable circumstances.

2. Definitions

In terms of this guide:

2.1 People in vulnerable circumstances are defined as people who:

- are in circumstances where their age and frailty may put them at risk
- are in circumstances where their disabilities, physical or psychological, may put them at risk
- are in vulnerable situations such as undergoing massage therapy
- are children and young people who are undertaking work placement or who are clients/customers of students undertaking work placement.

2.2 Work placement is:

the provision to a student of workplace experience and/or learning and/or assessment on a temporary basis and with the agreement of the workplace employer/manager.

2.3 Workplace learning as part of a student’s program of study includes, but is not limited to:

- work placement
- visits to industry
- simulated workplace settings in TAFE NSW colleges, campuses or elsewhere where there is contact with clients/customers
- learning and assessment in the workplace where students are paid employees of the client organisation.

2.4 Inappropriate behaviour includes, but is not limited to, behaviour that is unethical, disturbing or offensive to other workplace colleagues or clients/customers and/or:

- not in accordance with the code of conduct provided to the student and/or
- dangerous or otherwise not in line with occupational health and safety requirements and/or
- disruptive of efficient work practices.

3. Identified Risks

Risks specifically addressed by this policy are risks of:

- unethical behaviour to clients/customers
- danger to clients/customers from students being asked to carry out duties beyond their skill levels
- danger to clients/customers from students exhibiting unsafe or otherwise inappropriate behaviour
• danger to students themselves from attempting to carry out tasks beyond their skill levels or engaging in unsafe behaviour.

4. Information to students/prospective students

Information is provided to students/prospective students before and during enrolment that:

• Where participation in workplace or simulated workplace learning is required in a learning program, access to such learning is dependent on suitability for participation and their maintaining reasonable standards of behaviour.

• Under the TAFE NSW Student Discipline Policy, students found to have been guilty of a breach or breaches of this policy may, among other things, be excluded from attending a course or from specified aspects of a course such as work placement, or may be taken to have failed one or more examinations or other forms of assessment such as a work placement.

• Independent of breaches of the TAFE NSW Student Discipline Policy, students who are assessed as presenting a significant risk to themselves or others during a work placement may be prevented from undertaking the work placement.

5. Management of student participation in workplace/simulated workplace learning

Regardless of the specific circumstances in which workplace learning and/or assessment occurs, Institutes are to ensure that processes established in the management of student workplace learning promote both ethical conduct on the part of students and the safety and also the wellbeing of both students and clients/customers.

Specifically, Institutes must ensure that before the commencement of learning/assessment programs the following must occur.

• There is a clear understanding on the part of the workplace employer/manager(s) and TAFE NSW officers of the role and responsibilities of each in the management of participation in workplace learning and assessment by TAFE NSW students. Student and client/customer safety need to be key considerations in negotiating responsibilities and establishing processes.

• Students are made aware of their responsibilities to clients/customers to behave ethically and to act in accordance with legislative requirements and occupational health and safety requirements.

• A process for enabling timely identification of problems which could impact on client/customer/student safety and wellbeing is established with such problems being promptly reported to, and acted upon by the relevant TAFE NSW officer.

• Processes are in place to ensure that an appropriate TAFE NSW officer is readily contactable by employers or other members of TAFE NSW staff, including during TAFE NSW holidays.

• Teachers and other relevant officers are aware of the range of mechanisms which may be used to address problems related to student behaviour, including discussion and negotiation with the student by the teacher and/or counselling
from a TAFE NSW counsellor and/or action under the TAFE NSW Student Discipline Policy.

- Teachers and other relevant officers are aware of the requirements of the TAFE NSW Student Discipline Policy and the range of circumstances in which action may be taken under this policy.

- Independent of the TAFE NSW Student Discipline Policy action may be taken on Occupational Health and Safety grounds to exclude a student from a work placement or terminate a work placement where there is a significant risk to themselves or others.

6. Work placements

6.1 Liaison with the workplace

Before students participate in a work placement, a discussion should take place with the employer/workplace supervisor and clear information is to be provided to the workplace regarding the duties which students have the training and capacity to perform. If possible this information should be confirmed in writing. Duties for which they are as yet unfit may also need to be specified, especially where the safety of the client/customer or student may be put at risk – for example regarding the use of specific equipment. In many cases specified duties will be the same for a whole group of students, but in other cases there may be variation in the skill levels or in specific student needs.

The employer/workplace supervisor is to be informed of the importance of contacting TAFE NSW immediately if there is any evidence of the student behaving inappropriately and/or presenting a risk to clients, themselves, or other students so that the issue may be speedily addressed. Appropriate TAFE NSW staff need to be readily contactable at all times when work placement is occurring including during TAFE NSW holiday periods.

Areas where a student requires specific support (for example because of a disability) need to be identified. Information regarding a student's disability or other personal circumstance may be made available to an employer/workplace only after the information has been seen by the student and with the consent of the student, and in the case of a student under 18 years of age, their parent or guardian. However, where a student does not consent to information being given to an employer that is necessary to ensure safety, the placement cannot proceed. Students under 18 years of age who are living independently may give such permission through a Statutory Declaration.

Where problems are identified, they must be urgently addressed with proposed action endorsed by the Institute manager designated with this responsibility by the Institute (see 6.4).

6.2 Preparation of students for work placement

Before work placement, students are to be informed verbally and in writing as to the range of duties they are permitted to perform in the workplace. If the student is asked or wishes to perform duties outside the range of agreed duties then he/she must first obtain the teacher's and/or workplace supervisor's agreement to undertake the extra duties.
A code of conduct for students participating in workplace/simulated workplace learning is to be provided to students and explained. Its importance is to be emphasised. A model code of conduct is provided at the end of this policy document. It may be used as it is, or added to in line with industry/workplace/Institute requirements, or it may be replaced by a code of conduct as required to meet other specific needs. However, it must address the following issues:

- **ethical issues** (such as appropriate client/student and employer/student behaviour)
- **safety issues** such as the need to inform the employer/supervisor/teacher if the student is requested to perform a task or skill which he/she considers is beyond the range of tasks agreed to or beyond his/her skill level and might be unsafe to themselves or others.

Any alterations to the model code of conduct provided with this policy must have the written approval of a TAFE NSW officer designated with this responsibility by the Institute.

Students are to sign a document signifying receipt of the code of conduct. A document listing students’ names with space for their signature under the following statement is sufficient: _I have received the student code of conduct for work placement._ This document is to be retained in the roll book or in another secure place.

### 6.3 Students' readiness for work placement

Unless there are compelling reasons to the contrary, work placements will occur only after there has been a reasonable amount of student/teacher contact (for example a term’s study or a specified number of hours). Wherever possible, an assessment event will be undertaken by students to determine work placement readiness. Based on the evidence provided, the teacher will form a judgement as to the student's readiness to benefit from workplace learning and perform workplace duties with:

- the required level of expertise
- due regard to ethical conduct
- avoidance of behaviour posing an unacceptable level of risk to themselves, workplace employer/employees or clients/customers, including those in vulnerable circumstances.

### 6.4 Evidence of unsafe or unethical behaviour before or during a work placement

In some cases there may be evidence before or during a work placement that a student is unable to or has not practised safe and ethical behaviour. Evidence can include a student’s current level of expertise, inappropriate behaviour or other factors, or an unfavourable report received from the workplace during a work placement.

Where this evidence exists, consultation must occur with the student, the Head Teacher, a senior manager delegated with this responsibility within the Institute and any other officer considered appropriate, for example a disabilities teacher/consultant. The student is to be given the opportunity to present their view on the matter and to seek the advice of a teacher/TAFE NSW counsellor.

As a result of this consultation, and with the signed agreement of the designated senior manager, one or more of the following may occur.
• The student may participate in the workplace learning under certain conditions, for example undertaking a limited range of duties.

• The student's participation in workplace learning may cease/be postponed until the matter is resolved.

• The student may be assessed/reassessed to determine their suitability and readiness for a subsequent work placement.

• The student may be advised to undertake tutorial support.

• The student may be advised to consider another course.

• The student may be advised of failure in the workplace learning component.

• The student's enrolment may be terminated.

• Other action may be taken as appropriate.

• When considering the action to be taken, the seriousness and specific nature of the matter must be considered. This may include whether the:
  – matter relates to occupational health and safety issues and/or represents a risk to clients/customers
  – relationships between the student and workplace employer or staff have been or could be adversely affected
  – matter should be considered under the TAFE NSW Student Discipline Policy.

**6.5 Right of appeal**

Where the student is prevented from participating in or completing a work placement and this will mean he/she is unable to complete a course, the student must be advised that they have the right to appeal to the Institute Director.

If the student is to lodge an appeal it must be lodged within 21 days of being so advised. The student has the right to nominate a member of TAFE NSW staff to assist in the presentation of their appeal, either verbally or in writing. In addition, the student is to be informed of the outcome of the appeal within 21 days of lodging the appeal.

**6.6 Comments invited**

Policies are subject to ongoing review to ensure they

• meet current needs within TAFE NSW

• are in accordance with state and national policy directions.

Comments are invited at any time as to the relevance and usefulness of policies, policy gaps and suggested changes. Please provide comments to Quality Assurance Coordinator, Educational Strategy and Development, TAFE Teaching and Learning Support Services 9244 5079.

**6.7 Related policies and legislation**

Some policies will not be accessible from the DET Internet.
Policies

- Child Protection
  - Allegations against Employees in the Area of Child Protection
  - Policy for Protecting Children and Young People
  - Dealing with Family Law Related Issues in Schools and TAFE NSW – Guidelines for School and Institute Staff
  - Protecting and Supporting Children and Young People: Revised Procedures, December 2000
  - Reporting risk of harm to children and young people from 18 December 2000 - Memorandum to Principals – refer to Protecting and Supporting Children and Young People: Revised Procedures, December 2000
  - Working with Children Check Policy

- Classes - Other - Classroom Supervision - TAFE Policy TAFE Gazette No. 31 of 2002 (02.31.G2)

- Code of Conduct

- Insurance Cover For Students Undertaking Work Experience - Supplement to TAFE Gazette No. 34 of 1 September 1993.

- Occupational Health and Safety Policy
- Safe Working Policy
- Occupational Health and Safety (OHS) Risk Management Policy
- Release of Student Information Policy
- Complaints Handling Policy
- Student Discipline Policy – TAFE NSW
- Workplace Learning Policy for Secondary Students in Government Schools and TAFE NSW Institutes

Legislation and Standards

- AQTF Essential Standards for Registration (Commonwealth)
- Occupational Health and Safety Act, 2000 No 40 (NSW)
- Disability Discrimination Act 1992 (Commonwealth)
- Disability Standards for Education 2005 (Commonwealth)
The Standards are subordinate legislation to the Disability Discrimination Act 1992 and are subject to the objects of the Act. They clarify and elaborate the legal obligations in relation to education.
- Privacy and Personal Information Protection Act 1998 (NSW)
- Child Protection (Prohibited Employment) Act 1998 (NSW)
- Commission for Children and Young People Act, 1998 (NSW)
Model Student Code of Conduct
for
Students in Workplace or Simulated Workplace Learning

The student's signature is required to acknowledge receipt of this document

1. I will take part in workplace learning in a manner that reflects positively on myself and TAFE NSW.

2. I will use my skills and knowledge for the betterment of the workplace and its clients/customers.

3. I will comply in all my behaviour and learning in accordance with appropriate legislation, including that relating to the protection of children and young people.

4. I will behave with integrity and respect in my dealings with others in the workplace including my employer, fellow workers and clients/customers.

5. I will place a high priority on meeting occupational health and safety requirements.

6. I will dress appropriately for the workplace and respect dress rules, where they exist.

7. I will be punctual.

8. I will notify the workplace as soon as possible if I am unable to attend because of illness or other unavoidable circumstance.

9. I will make every effort to fit into the workplace and work with others in a cooperative manner.

10. If I feel I am asked to undertake a task which has not been agreed upon between my teacher and the employer, I will inform my supervisor or employer and my teacher/designated Institute contact.

11. If I have any problem I will communicate with my supervisor or employer and my teacher/designated Institute contact.

12. I understand that if I do not adhere to this code of conduct I may not be allowed to participate in workplace learning in future and that if I commit serious breaches of the Student Discipline Policy I may be excluded from this course. Other penalties may also apply.