

# EMPLOYEE HANDBOOK

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JUNE 2020

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# 1 INTRODUCTION

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## 1.1 WELCOME

Mitchell Conservatorium of Music (the **Conservatorium**) would like to wish you every success during your employment, whether you recently joined or whether you are an existing employee. It is hoped that your experience of working with us is positive and rewarding.

Our vision is to bring musical participation, achievement and enjoyment into the lives of children and adults of all ages in the region served by the three divisions of Mitchell Conservatorium.

## 1.2 PURPOSE OF THE EMPLOYEE HANDBOOK

This Employee Handbook is designed both to introduce you to the Conservatorium and to be of continuing use during your employment.

It sets out the Conservatorium's rules and regulations, the policies and procedures relating to your employment and also contains information on some of the benefits that may be available to you. If you require any clarification or additional information please speak to your manager.

We ask that you read the contents of this Employee Handbook carefully.

## 1.3 PRINCIPLE OF EQUALITY

Please note that the Conservatorium is committed to providing equal opportunities and the principle of equality in accordance with relevant legislative provisions. We expect your support in implementing these policies.

We will not condone any unlawful discriminatory act or attitude in the course of your employment or in your dealings with our clients, suppliers, contractors, members of the public or fellow employees. Acts of unlawful discrimination, harassment or victimisation will result in disciplinary action.

## 1.4 GENERAL

Amendments to the Employee Handbook will be issued from time to time.

The Employee Handbook does not form part of your contract of employment, unless expressly stated otherwise. However, in any event, it may be considered when interpreting your rights and obligations under your terms of employment.

## **2 JOINING THE CONSERVATORIUM**

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### **2.1 PROBATIONARY PERIOD**

Your employment is subject to an initial probationary period, as set out in your contract of employment. During this period, your work performance and general suitability will be assessed and, if it is satisfactory, your employment will continue. However, if your work performance is not up to the required standard, or you are considered to be generally unsuitable, the Conservatorium may either take remedial action (which may include the extension of your probationary period) or terminate your employment at any time prior to confirmation of your employment.

We reserve the right not to apply full capability and disciplinary procedures during your probationary period.

### **2.2 EMPLOYEE TRAINING**

At the commencement of your employment, you will receive Child Protection training as part of your induction. As your employment progresses, your role may be extended to encompass new activities within the business. You are expected to participate in any training deemed necessary for you to perform your role at the required standards; for example First Aid training.

### **2.3 TRAINING AGREEMENT**

The Conservatorium has a policy of encouraging its employees to undertake training in order to advance their career to the benefit of both the Conservatorium and the individual.

This includes assisting with costs of the training in accordance with any specific agreement for training (**the Training Agreement**). However, in the event of termination of your employment, for whatever reason, the Conservatorium will seek reimbursement of the costs in line with the Training Agreement. Further details are available separately.

### **2.4 INDUCTION**

At the start of your employment, you are required to complete an induction programme, during which all of our policies and procedures (including Health and Safety) will be explained to you. Information relating to these will be given to you at the induction.

### **2.5 JOB DESCRIPTION**

Amendments may be made to your job description from time to time in relation to the Conservatorium's changing needs and your own ability.

## **2.6 PERFORMANCE AND REVIEW**

The Conservatorium's policy is to monitor your work performance on a continual basis so that we can maximise your strengths, and help you with any development areas.

We have an informal staff appraisal process in place for the purpose of monitoring staff performance levels with a view to maximising the effectiveness of individuals.

## **2.7 JOB FLEXIBILITY**

Whenever necessary, you will transfer to alternative departments or duties within the Conservatorium. During holiday periods, for example, it may be necessary for you to take over duties normally performed by colleagues. This flexibility is essential for operational efficiency as the type and volume of work is always subject to change.

## **2.8 MOBILITY**

It is a condition of your employment that you are prepared, whenever applicable, to travel to any other of our sites within a reasonable travelling distance. This mobility is essential to the smooth running of the Conservatorium.

## **2.9 CONVICTIONS AND OFFENCES**

During your employment, you are required to immediately report to the Conservatorium any convictions or offences with which you are charged.

## **2.10 CHILD PROTECTION & DUTY OF CARE**

All staff members have a duty of care to the students enrolled at the Conservatorium. Staff must be aware that their interaction with students creates a special and trusting relationship. Staff are not to engage in any behaviour that would breach that professional relationship or trust.

Mitchell Conservatorium's Child Protection Policy includes the following commitments:

Teachers are cautioned against touching a student's hands, face or ribcage to demonstrate correct technique or posture. Inappropriate touching of a student of any age will not be condoned *and may result in immediate disciplinary action.*

Physical contact for the purposes of demonstrating correct technique or posture should be kept to a minimum and must be preceded by seeking permission from the parent and student, preferably in writing, and the parent invited to be present at the student's lesson.

Notwithstanding this consent, you must ensure that any engaging in such practice must be compliant with the law. The Conservatorium will not tolerate any inappropriate behaviour and any such acts will be deemed as serious misconduct, subject to disciplinary action and may result in instant dismissal.

Staff must ensure, as part of their Duty of Care, that infants and children do not leave the Conservatorium building until a parent or person designated by the parent comes to collect them. Parents are requested to ensure that their infant or child is aware that they must not leave until their parent or person designated by the parent comes to collect them. In particular, parents of Early Childhood Music students must ensure that their child understands the importance of the reasons why they must remain in the Studio until they are collected.

All Staff must undertake Child Protection Training as a condition of employment

Newly appointed staff must hold a Working With Children Check registration. In accordance with the new Working with Children Check process, new employees are required to register themselves and lodge their registration number with their employer. Please go to the following website for further information [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) and follow the links to 'New Working with Children Check'.

## **3 SALARIES AND WAGES**

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### **3.1 ADMINISTRATION**

#### **i) Payment**

Staff are paid each Thursday each fortnight.

Any pay queries that you may have should be raised with management. Tutors are paid each fortnight for work completed during term times. Teachers are paid each fortnight for work completed during term times.

You will receive a payslip showing how the total amount of your pay has been calculated. It will also show the deductions that have been made and the reasons for them, for example, tax, superannuation and other agreed deductions.

#### **ii) Overpayments**

If you are overpaid for any reason, the total amount of the overpayment will normally be deducted from your next payment. If this would cause hardship, arrangements may be made for the overpayment to be recovered over a longer period.

#### **iii) Tax**

At the end of each tax year you will be given a summary statement showing the total pay you have received during that year and the amount of deductions for tax and other matters. You should keep this document in a safe place as you may need to produce them for tax purposes.

#### **iv) Pay reviews**

Pay is reviewed annually. However, there is no guarantee of an increase in your pay as a result of any review.

#### **v) Overtime**

Where you feel that additional hours are outside your normal duties, you must have these hours approved, in writing, by management prior to working these hours. You will not be paid any overtime unless this approval has been provided.

Additional hours worked to complete your ordinary duties will generally be considered reasonable working hours and will not ordinarily be paid as overtime.

### **3.2 LATENESS/ABSENTEEISM**

You must attend work punctually at the time(s) specified in your contract of employment or as otherwise agreed. You are required to comply strictly with any time recording procedures relating to your work.

All absences due to illness must be notified in accordance with the sickness reporting procedures set out in this Employee Handbook.

Lateness or unauthorised absence may result in disciplinary action and/or loss of pay.

### **3.3 SHORTAGE OF WORK**

If there is a temporary shortage of work for any reason, we will try to maintain your continuity of employment. With your agreement, we may place you on short time working, or alternatively, temporary leave. If you are placed on short time working, your pay will be reduced according to time actually worked. If you are placed on leave, you will receive no pay.

### **3.4 SUPERANNUATION**

You will be paid superannuation in accordance with the Conservatorium's statutory obligations.

### **3.5 BREAKS**

Breaks are to be taken when arranged by the Employer. You are required to adhere to the break length as directed by management and be ready to commence work at the end of the break. You are required to notify management immediately if you are struggling to take the break, so that it can be rectified or varied.

### **3.6 AVAILABILITY**

Availabilities are to be provided to the Employer in writing. Any changes to your availabilities must be provided to management in writing. Changes to casual staff availability may result in less hours being offered and changes to permanent availability may only occur by agreement with the Employer.

## **4 ANNUAL LEAVE ENTITLEMENTS AND CONDITIONS**

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### **4.1 ANNUAL HOLIDAYS**

You are entitled to annual leave in accordance with the National Employment Standards (**NES**), unless otherwise stated in your contract of employment.

Casual employees are not entitled to annual leave.

It is the Conservatorium's policy to encourage you to take all of your holiday entitlement in the current year.

You must complete the annual leave request form at Item 1 and have it signed by management before you make any firm holiday arrangements.

Annual leave dates will normally be allocated on a "first come, first served" basis whilst ensuring that operational efficiency and appropriate staffing levels are maintained throughout the year.

You should attempt to give at least four weeks' notice of your intention to take annual leave of a 2 weeks or more and one week's notice is requested for odd single days.

You are encouraged to take annual leave during school holiday periods.

Your annual leave pay will be at your normal basic pay unless shown otherwise in your contract of employment.

The Conservatorium may choose to shut down over the Christmas/New Year period. If we do, you are required to reserve sufficient days from your annual leave entitlement to cover the Christmas/New Year shut-down period. If you have not accrued sufficient holiday entitlement to cover this period, you will be given unpaid leave of absence.

### **4.2 PUBLIC HOLIDAYS**

Your entitlement to public holidays is in accordance with the National Employment Standards, unless otherwise stated in your individual contract of employment.

## **5 PERSONAL LEAVE**

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### **5.1 ENTITLEMENTS**

You are entitled to be paid for personal leave in accordance with the NES, unless otherwise stated in your contract of employment.

Casual employees are not entitled to paid personal leave.

Your entitlement to paid personal leave accrues over the course of your employment.

Employees (other than casuals) will accrue up to ten days of paid personal/carer's leave for each year of continuous service in accordance with the provisions of the Fair Work Act 2009.

Personal leave accrues, and will be credited to you, progressively throughout the year.

You are entitled to take personal leave:

- because you are not fit for work due to a personal illness or personal injury affecting you; or
- to provide care or support to a member of your immediate family, or a member of your household who requires your care and support because of:
  - a sudden or unexpected personal illness or injury affecting the member; or
  - a sudden or unexpected emergency affecting the member.

If your entitlement to personal leave is exhausted, you may take 2 days' unpaid carer's leave for each occasion when a member of your immediate family or a member of your household requires your care and support because of:

- a sudden or unexpected personal illness or personal injury affecting the member; or
- a sudden or unexpected emergency affecting the member.

You are entitled to be paid for personal leave in accordance with the NES, unless otherwise stated in your contract of employment.

### **5.2 NOTIFICATION OF PERSONAL (SICK) LEAVE**

You must notify the Conservatorium by telephone on the first day of incapacity or at the earliest possible opportunity and, in any case, by no later than before your usual start time.

Tutors and Teachers should notify any affected student of their incapacity to attend any lesson and reschedule the lesson with the student for an appropriate time.

E-mails are not an acceptable method of notification. Other than in exceptional circumstances notification should be made personally to your manager.

You should try to give an indication of your expected return date and notify the Conservatorium as soon as possible if this date changes. The notification procedures should be followed on each day of absence, unless you are covered by a doctor's medical certificate.

If your incapacity extends to more than seven days you are required to notify us of your continued incapacity once a week thereafter, unless otherwise agreed.

### **5.3 EVIDENCE OF INCAPACITY**

A doctor's certificate or statutory declaration is required for all personal leave, unless otherwise agreed by the Conservatorium in specific circumstances.

### **5.4 RETURN TO WORK**

You should notify your manager as soon as you know on which day you will be returning to work, if this differs from a date of return previously notified.

If you have been suffering from an infectious or contagious disease or illness such as rubella or hepatitis, you must not report for work without clearance from your own doctor.

On return to work after any period of personal leave, you may be required to attend a return to work interview to discuss the state of your health and fitness for work. Information arising from such an interview will be treated with strictest confidence.

### **5.5 GENERAL**

Submission of a medical certificate may not always be regarded as sufficient justification for accepting your absence. Sickness is just one of a number of reasons for absence and although it is understandable that if you are sick you may need time off, continual or repeated absence through sickness may not be acceptable to the Conservatorium.

In deciding whether your absence is acceptable, the Conservatorium will take into account the reasons for your absences and extent of them, including any absence caused by sickness/injury. We cannot operate with an excessive level of absence as all absence, for whatever reason, reduces the Conservatorium's ability to operate successfully.

The Conservatorium will not tolerate any non-genuine absences, and any such instances will result in disciplinary action being taken.

If considered necessary, we reserve the right to ask your permission to contact your doctor and/or for you to be independently medically examined.

## **6 OTHER LEAVE**

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### **6.1 PARENTAL LEAVE AND PAY**

If you or your partner become pregnant or are notified of a match date for adoption purposes you should notify management at an early stage so that your entitlements and obligations can be explained to you.

Under the NES, employees who will have at least 12 months of continuous service as at the expected date of birth of the child, are entitled to 52 weeks of unpaid parental leave. Casuals with regular on-going work are also entitled to unpaid parental leave. You may request an additional 52 weeks of leave which will only be refused by the Conservatorium on reasonable business grounds.

Other forms of leave, such as annual leave and long service leave, may be taken concurrently with parental leave, but when combined with the unpaid parental leave must not exceed the 52 week period.

You must give the Conservatorium at least ten weeks prior notice of your intention to take unpaid parental leave. This can be done using the standard leave form.

When advising of your intention to take unpaid parental leave you must provide the following:

- a medical certificate indicating the expected date of birth of the child, or, where the leave is adoption related, the expected date of placement;
- an expected return date; and
- details of any parental leave your partner intends to take.

### **6.2 COMPASSIONATE LEAVE**

Full time and part time employees are entitled to two days' paid compassionate leave for each occasion when a member of your immediate family or a member of your household:

- contracts or develops a personal illness that poses a serious threat to their life; or
- sustains a personal injury that poses a serious threat to their life; or
- dies.

### **6.3 LONG SERVICE LEAVE**

You are entitled to long service leave in accordance with the relevant laws of the state in which you are employed. Long service leave should be taken as soon as reasonably practicable after you become entitled to it.

## **6.4 COMMUNITY SERVICE LEAVE**

You are entitled to community service leave in certain circumstances.

Community service leave is for eligible community service activities such as SES, jury service and volunteer fire fighting.

Other than for the first two weeks of jury service leave, where the Conservatorium will top up the pay of a permanent employee, community service leave is unpaid.

## **6.5 TIME OFF**

Circumstances may arise where you need time off for medical/dental appointments, or for other reasons.

Where possible, such appointments should be made outside normal working hours. If this is not possible, you should submit an application for time off for these purposes to the Executive Director and time off required may be granted at the discretion of the Executive Director and will normally be without pay.

## **6.6 FAMILY AND DOMESTIC VIOLENCE LEAVE**

You are entitled to five days of unpaid family and domestic violence leave per annum.

This leave is available to you if you are experiencing violent, threatening or other abusive behaviour by a family member that seeks to coerce or control you and that causes you harm or fear. The leave can be taken where you need to do something to deal with this impact of this, and it is impractical to do so outside of your ordinary hours of work. For example, you may take this leave to:

- make arrangements for your safety, or the safety of a family member (including relocation)
- attend urgent court hearings or
- access police services.

For the purposes of this leave entitlement, family member includes:

- your spouse, de facto partner (including a former spouse or de facto partner), child, parent, grandparent, grandchild or sibling
- a child, parent, grandparent, grandchild or sibling of your spouse or de facto partner, or
- a person related to you according to Aboriginal or Torres Strait Islander kinship rules.

Your entitlement to family and domestic violence leave will reset to five days on the anniversary of your commencement each year.

When you wish to take this leave, you are required to provide the Employer with notice as soon as reasonably practicable and advise of the period (or expected period) of the leave.

The Employer may require you to provide evidence that the leave will be, or was, taken for the purposes as outlined in this policy. Depending on the circumstances such evidence may include a document issued by the police service, a court or a family violence support service, or a statutory declaration.

The Employer will ensure, as far as reasonably practicable, that steps are taken to safeguard any information disclosed by yourself concerning family and domestic violence leave. This information will be kept confidential to the extent permitted by law. This policy does not override any legal obligations to disclose information.

## **7 SAFEGUARDS**

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### **7.1 RIGHTS OF SEARCH**

We have the right to carry out searches of you and your property (including vehicles) whilst you, or your property, are on our premises or during the performance of your duties.

Where practicable, searches will be carried out in the presence of a colleague of your choice who is available on the premises at the time of the search.

You may be asked to remove the contents of your pockets, bags, vehicles, etc.

Whilst you have the right to refuse to be searched, such refusal will constitute failure to follow a reasonable management instruction, which may result in disciplinary action being taken against you.

We reserve the right to call the police at any stage.

### **7.2 IT AND COMPUTER POLICY**

#### **i) Virus protection**

In order to prevent the introduction of virus contamination into the software system, the following rules must be observed:

- unauthorised software including public domain software, magazine cover disks/CDs or internet downloads must not be used; and
- all software must be virus checked using standard testing procedures before being used.

#### **ii) Use of computer equipment**

In order to control the use of the Conservatorium's computer equipment and reduce the risk of contamination, the following rules will apply:

- the introduction of new software must first of all be checked and authorised by management before general use will be permitted;
- only authorised staff are permitted access to the Conservatorium's computer equipment;
- only software that is used for business applications may be used on the Conservatorium's computer equipment;
- no software may be brought onto or taken from the Conservatorium's premises without prior authorisation;

- unauthorised access to computing facilities will result in disciplinary action up to and including dismissal; and
- unauthorised copying and/or removal of computer equipment and/or software will result in disciplinary action up to and including dismissal.

### **iii) Internet policy**

The purpose of this policy is to provide a framework to ensure that the expectations and rules relating to the use of internet within the Conservatorium are clear.

Authorised staff are encouraged to make use of the internet as part of their professional activities. Attention must be paid to ensuring that published information has relevance to normal professional activities before material is released in the Conservatorium's name. Where personal views are expressed, a disclaimer stating that this is the case should be clearly added to all correspondence.

The availability and variety of information on the internet means that it can be used to obtain material reasonably considered to be offensive. The use of the internet to access and/or distribute any kind of offensive material, or material that is not work-related, leaves an individual liable to disciplinary action up to and including dismissal.

The Conservatorium will not tolerate the use of the internet at work for unofficial or inappropriate purposes, including:

- accessing websites which put the Conservatorium at risk of viruses, compromising copyright or intellectual property rights;
- using social media in breach of the Conservatorium's social media policy;
- connecting, posting or downloading any information unrelated to their employment and, in particular, pornographic or other offensive material; and
- engaging in computer hacking and other related activities, or attempting to disable or compromise the security of information contained on the Conservatorium's computers.

You are reminded that these activities may constitute a criminal offence.

### **iv) Email**

The use of the work email system (**work email**) is encouraged as its appropriate use facilitates efficiency. Used correctly, it is a facility that is of assistance to the Conservatorium. However, inappropriate use causes a number of problems, including distractions, time wasting and legal claims. The policy sets out the Conservatorium's position on the correct use of work email.

Unauthorised or inappropriate use of work email may result in disciplinary action up to and including summary dismissal.

Work email is available for communication and matters directly concerned with the legitimate business of the Conservatorium. Employees using work email should:

- comply with Conservatorium communication standards;

- only send emails to those to whom they are relevant;
- not use email as a substitute for face-to-face communication or telephone contact;
- not send inflammatory emails (i.e. emails that are abusive);
- be aware that hasty messages sent without proper consideration can cause upset, concern or misunderstanding;
- if the email is confidential, ensure that the necessary steps are taken to protect confidentiality; and
- be aware that offers or contracts transmitted by email are as legally binding on the Conservatorium as those sent on paper.

The Conservatorium will not tolerate the use of work email for unofficial or inappropriate purposes, including:

- any messages that could constitute bullying, harassment or other detriment;
- personal use (e.g. social invitations, personal messages, jokes, cartoons, chain letters or other private matters);
- on-line gambling;
- accessing or transmitting pornography;
- social media;
- transmitting copyright information and/or any software available to the user; or
- posting confidential information about other employees, the Conservatorium or its customers or suppliers.

#### **v) Monitoring**

The Conservatorium considers any and all data created, stored or transmitted upon the systems (the **Systems**) as work product and, as such, expressly reserves the right to monitor and review any data upon the Systems, including your usage and history, on an intermittent basis without notice.

In addition to this, the Conservatorium has the right to protect its business interests and confidentiality. This includes the right to survey, audit and/or monitor its Systems, including but not limited to:

- monitoring sites users visit on the internet;
- monitoring time spent on the internet;
- reviewing material downloaded or uploaded; and
- reviewing emails sent and received.

Information reports will be available to the Conservatorium which can subsequently be used for matters such as system performance and availability, capacity planning, cost re-distribution and the identification of areas for personal development.

For the avoidance of doubt, we reserve the right to monitor all internet and email activity by you for the purposes of ensuring compliance with the Conservatorium's policies and procedures and for ensuring compliance with the relevant regulatory requirements and you hereby consent to such monitoring. Information acquired through such monitoring may be used as evidence in disciplinary proceedings.

### **7.3 SOCIAL MEDIA**

Whilst social media can be used to strengthen the Employer's brand and overall image of the business, work related issues or materials being placed on social media can adversely affect the Employer, a customer/client, colleague or others.

Social media is a mechanism for communication and sharing, rather than one specific program, activity or object. It is often a website or other electronic application that enable users to create and share content or to participate in social networking.

To protect the mutual interest of all involved, work related matters must not be placed on social media at any time either during or outside of working hours and this includes access via any mobile computer equipment, including mobile phone or other devices unless approved in advance. Work-related usually means that the Employer, its clients, suppliers, employees, contractors or any other associated parties can be identified and be in some way connected back to your relationship with the Employer.

Where you have been authorised in relation to work related matters, you must not bring the Employer, its clients, suppliers, contractors or any other associated parties into disrepute through the content of your usage. While representing the Employer on social media, it is expected that you will exhibit a professional and courteous attitude with clients, your colleagues, suppliers and other members of the public and ensure that you act in the Employer's best interests at all times.

Any work related issue or material that could identify an individual who is a customer/client or work colleague, which could adversely affect the Conservatorium, a customer/client or the Conservatorium's relationship with any customer/client must not be placed on any social networking site.

Staff members are not permitted to personally engage or 'friend' any Mitchell Conservatorium students or students' parents on any social media networking site. (All staff and broader community members are encouraged to engage with the Mitchell Conservatorium organisational social media sites).

All employees are prohibited from using social media (whether on the Employer's devices or their own personal device) during work time for personal reasons.

Any breach of this policy will be considered serious and may result in disciplinary action.

#### **7.4 SURVEILLANCE**

The Conservatorium may install and/or use video surveillance (CCTV) in and around the Conservatorium's premises. The purpose of the surveillance is to ensure the safety and security of employees, visitors and property. The Conservatorium reserves the right to review and use the CCTV in disciplinary proceedings.

All cameras are visible and will not be located in change rooms or bathrooms.

#### **7.5 CASH HANDLING/TILL PROCEDURES**

You must check your float at the beginning of your shift. Any discrepancies must be reported immediately to management.

Under no circumstances should any cash be removed from the till other than as change for purchases or to transfer cash from the till as instructed by your manager.

All discrepancies must be recorded and initialled.

It is strictly forbidden to amend the pricing of any items without permission from your manager.

## **8 STANDARDS**

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### **8.1 DRESS AND APPEARANCE**

It is important that you present a professional image with regard to your appearance and standards of dress at all times.

You should wear clothes appropriate to your job responsibilities, and they should be kept clean and tidy at all times.

If you are in any doubt whether any aspect of your appearance or attire is appropriate for your job role you should contact management.

### **8.2 CLEANLINESS**

For the purposes of safety and appearance, work areas must be kept clean and tidy at all times.

## **9 HEALTH, SAFETY AND WELFARE**

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### **9.1 SAFETY POLICY**

Mitchell Conservatorium is an organisation that provides high quality music education across four campuses in Bathurst, Lithgow, Forbes and Parkes in New South Wales.

The Management and Staff of the Mitchell Conservation aim to provide music education and to carry out all workplace activities safely, with no harm to students, staff, visitors or to the community, while also complying with all required statutory obligations.

To achieve these aims, the People of the Mitchell Conservatorium will:

- Commit to providing a safe and healthy work environment for all students, staff and visitors to the Mitchell Conservatorium campuses and events.
- Comply with all relevant Health and Safety Acts, Regulations and other statutory obligations that are required to safely provide our services.
- Provide safe systems of work which are regularly reviewed, updated and improved.
- Ensure that all staff have the required information, instruction, training and supervision needed so that our services are provided safely and without risk to health and safety.
- Ensure that all staff have the necessary training, certifications and support to provide an environment for safe working with children.
- Ensure that facilities and resources are provided to support the safe provision of services and also to support the ongoing management and improvements to health and safety systems.
- Consult with staff and include staff in the management of health and safety within the Mitchell Conservatorium.
- Consult with the Community and Stakeholders and seek their input on relevant health and safety issues.

In applying the above, the Mitchell Conservatorium will also commit to a process of ongoing review of health and safety risks, to a process of ongoing review and continuous improvement of health and safety systems, and to the implementation of health and safety improvements to achieve the highest possible standards of health and safety for the students, staff and visitors to the Mitchell Conservatorium.

Graham Sattler  
Executive Director  
Mitchell Conservatorium  
12 March 2019

## **9.2 EMPLOYEE OBLIGATIONS**

You must not take any action that could threaten the health or safety of yourself, other employees, customers/clients or members of the public. At all times you must comply with any and all state and federal work health and safety laws and hygiene regulations. If you have any concerns about safety or hygiene in the workplace you should raise them directly with management without delay.

You should report all accidents and injuries at work, no matter how minor, via the Conservatorium's incident reporting procedure.

You must ensure that you are aware of our fire and evacuation procedures and the action you should take in the event of such an emergency.

## **9.3 EVACUATION PROCEDURES AND ACCIDENT REPORTING**

### **i) EMERGENCY EVACUATION PROCEDURE**

It is recommended that everyone using the building(s) is aware of the position of fire extinguishers and EXIT routes.

It is the teacher's responsibility to ensure everyone in their studio is accounted for when leaving the building in the event of an emergency.

Staff must again check that those people in their care are accounted for after evacuation.

If there is time during any Emergency, turn off all equipment (except lights) and remove personal belongings.

### **ii) IN THE EVENT OF AN EMERGENCY EVACUATION**

Stay calm and move with haste.

Office staff or a teacher will call 000.

Exit the building in an orderly manner and gather in room groups in the courtyard of the Court House (Bathurst), grounds of building (Lithgow & Lachlan)

Take all personal possessions if you have time.

Do not leave the grounds until instructed by the Mitchell Conservatorium teacher or the Emergency Services Officer (Fire, Police or Ambulance personnel).

Do not re-enter the building without an all clear being given by an Emergency Service Officer.

### **iii) IN THE EVENT OF AN ACCIDENT**

Ring 000 for Ambulance if necessary.

Start First-Aid Procedures, if possible. Please ensure you are aware of the location of the first aid kit at your Division.

Complete the Incident Report form as soon as possible and return it to the Office.

Notify the Office of any use of the First Aid Kit as it needs to be kept correctly stocked.

## **9.4 REFRESHMENT**

The Conservatorium provides refreshment making facilities for your use, which must be kept clean and tidy at all times.

Refreshment making facilities may only be used during authorised breaks.

## **9.5 DRUGS AND ALCOHOL**

The use of drugs or alcohol jeopardises a safe work environment.

The Conservatorium recognises its responsibility under Health and Safety legislation to provide a safe work environment for all employees, contractors and visitors regarding the prohibition of drugs and alcohol.

Non-compliance with this policy and any associated procedure by employees, contractors or visitors, may place the person in non-compliance with the Conservatorium's duty of care provisions for the workplace and such non-compliance may result in disciplinary action up to and including dismissal.

The Conservatorium recognises alcohol and other drug dependencies as treatable conditions, and encourages those persons who may be subject to such dependency to seek assistance from appropriate organisations or support groups.

Employees, contractors and visitors must not be adversely affected by drugs or alcohol at work or while at work functions, and must at all times be fit to perform their work safely. Employees found to be in breach of this policy will be subject to disciplinary procedures.

Alcohol may be consumed at some Conservatorium events. Where this is the case, the Conservatorium encourages responsible alcohol consumption but you should at no time be drunk or behave in a manner which is inappropriate.

Employees who are taking any prescribed medication or drugs which may affect their ability to perform their work must notify their manager as soon as possible. You may be required to produce a medical certificate stating that you are fit for work or specifying any restrictions.

The Conservatorium may conduct random drug and/or alcohol testing across all levels of employees.

You must submit yourself for drug and/or alcohol testing as soon as reasonably practicable after it has been requested of you. If you are believed to be under the influence of drugs or alcohol at work, you will be required to cease work immediately and sent home. Any resulting time off will be taken either as personal leave or unpaid leave.

#### **9.6 NO SMOKING POLICY**

Smoking on the premises or in Conservatorium vehicles is not permitted. You are only permitted to smoke in designated areas and during your breaks.

#### **9.7 HYGIENE**

Any exposed cut or burn must be covered with a first-aid dressing.

If you are suffering from an infectious or contagious disease or illness such as rubella or hepatitis you must not report for work without clearance from your own doctor.

Contact with any person suffering from an infectious or contagious disease must be reported before commencing work.

#### **9.8 MANUAL HANDLING**

You are required to advise us of any condition which may make you more vulnerable to injury whilst manual handling.

#### **9.9 FITNESS FOR WORK**

If you arrive for work and, in the Conservatorium's opinion, you are not fit to work, we reserve the right to exercise our duty of care if we believe that you may not be able to undertake your duties in a safe manner or may pose a safety risk to others. We may send you away for the remainder of the day with or without pay and, dependent on the circumstances, you may be liable to disciplinary action.

## **10 RISK MANAGEMENT**

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### **10.1 INTRODUCTION**

Risk is inherent in all our corporate and personal activities, and as such we continuously analyse and manage risks. Formal and systematic approaches to managing risk have been developed and are integral with sound business practice. The adoption of a formal and systematic approach to risk management will improve decision-making, performance and accountability. A systematic approach to risk management will also facilitate the ongoing review and continuous improvement, and also the ongoing identification and analysis of operational risks, and implementation of actions and strategies to address risk.

Many risks are not able to be totally eliminated. As such our goal is to control and manage risks to ensure that opportunities are maximised and negative risk outcomes are minimised. Risk management requires:

- A forward thinking and proactive approach to management; and
- achieving a balance between the costs of managing a risk and the anticipated benefits.

### **10.2 POLICY STATEMENT**

Mitchell Conservatorium will maintain procedures that provide it with a systematic view of the risks it faces in the course of its activities. Where appropriate, these procedures will be consistent with the Australian Risk Management Standard AS/NZS 4360.

### **10.3 DEFINITIONS**

**Risk:** Risk is a measure of the outcome of a hazard, event or issue that may occur during operational activities of the Mitchell Conservatorium. Risk is measured in terms of consequence and likelihood associated with the hazard, event or issue.

**Risk assessment:** Risk assessment is the process used to measure a risk rating associated with a hazard, event or issue. This risk measure is used to determine risk management priorities by evaluating and comparing the level of risk against predetermined acceptable levels of risk.

**Risk management:** Risk management is the systematic application of management policies, procedures and practices to the tasks of identifying, analysing, assessing, controlling and monitoring risk.

### **10.4 RESPONSIBILITY**

Everyone in or at Mitchell Conservatorium is responsible for the effective management of risk. All staff members are responsible for identifying actual or potential risks.

The Board and Management are responsible for developing risk mitigation plans and implementing risk reduction strategies. The risk management process should be integrated with other planning processes and management activities.

The Executive Director is responsible for ensuring that a risk management system is established, implemented and maintained in accordance with this policy. Assignment of responsibilities in relation to risk management is the prerogative of the Executive Director.

### **10.5 RISK MANAGEMENT COMMITTEE**

The Risk Management Committee has been established by the Board and is responsible for oversight of the processes for the identification and assessment of the general risk spectrum, reviewing the outcomes of risk assessments programmed by the Risk Management Committee and for advising the Mitchell Conservatorium Board as necessary.

The Risk Management Committee (RMC) comprises Board members and staff members as determined by the Board. The minimum membership of the RMC shall be three, with the membership comprising both Board and staff members.

Meetings are held once per semester or as required. A report from the RMC will be delivered at each Board meeting.

### **10.6 RISK ASSESSMENTS**

The Risk Management Committee will work to develop procedures to ensure that all activities undertaken by Mitchell Conservatorium are managed within a suitable risk rating. Where necessary, the RMC may develop documentation and reporting procedures to assess risk and to determine appropriate actions.

The Risk Management Committee will also review and update a Risk Register to ensure that all identified risks are recorded, assessed and prioritised, with important or urgent risks reported to the Board.

### **10.7 HIERARCHY OF CONTROLS**

A hierarchy of controls applies to the management of safety risks. These are described in the Work Health and Safety Regulation 2017 (NSW) and includes the following in order of priority:

1. Elimination of the risk
2. Substitution (wholly or partially) of the risk
3. Isolation of the hazard
4. Implementing engineering controls
5. Implementing administrative controls

6. Issuing personal protective equipment (PPE)

The risk Management Committee will include the hierarchy of controls in the assessment of safety risks and controls to manage safety risks.

### **10.8 REPORTING**

The Risk Management Committee will receive regular reports from staff or other appropriate sources on the identification and treatment of risk and will advise the Board of Management as necessary.

All perceived risks may be reported to the administration from the community, staff or students. Mitchell Conservatorium will develop an appropriate system of recording and dealing with perceived risks as they arise.

Staff will be provided with the opportunity to report risks and WH&S concerns to all Board meetings via the Risk Management Committee RMC, as a standard Agenda Item.

### **10.9 POLICY REVISION AND UPDATES**

This policy will be regularly reviewed to ensure that it remains current and in alignment with current business circumstances and with the aim to achieve continuous improvement of the policy.

## **11 GENERAL TERMS AND PROCEDURES**

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### **11.1 CHANGES IN PERSONAL DETAILS**

You must notify the Conservatorium of any change of name, address, telephone number, etc., so that we can maintain accurate records.

### **11.2 SECONDARY EMPLOYMENT**

You are expected to devote the whole of your time and attention during working hours to our business. If you propose taking up additional employment with an Conservatorium or pursuing separate business interests or any similar venture, you must discuss the proposal with your manager in order to establish the likely impact of these activities on both yourself and the Conservatorium. You will be asked to give full details of the proposal and consideration will be given to:

- working hours;
- competition, reputation and credibility;
- conflict of interest; and
- health, safety and welfare.

You will be notified in writing of the Conservatorium's decision. The Conservatorium may refuse to consent to your request. If you work without consent this could result in the termination of your employment.

If you already have any other employment or are considering any additional employment, you must notify the Conservatorium so that we can discuss any implications arising from such employment, i.e. working time, health and safety issues, or conflicts of interest.

You may not under any circumstances, whether directly or indirectly, undertake any other duties of whatever kind during your hours of work with the Conservatorium or whilst on Conservatorium premises.

### **11.3 CONFLICT OF INTEREST**

You may not be involved, employed or engaged in any activity which may be or is likely to create a conflict of interest. The Conservatorium may take whatever action it determines appropriate to avoid the actual or potential conflict of interest. Such action may include: transfers, reassignments, changing shifts, or, where the Conservatorium deems such action appropriate, termination of employment.

#### **11.4 BANKING AND EXPENSES**

We will reimburse you for any reasonable expenses incurred where these are authorised by management. You must provide receipts for any expenditure.

You are required to ensure that the use of any Conservatorium card and/or bank accounts is limited to business related expenses and is completed in a safe and secure manner.

#### **11.5 EMPLOYEE'S PROPERTY AND LOST PROPERTY**

We do not accept liability for any loss of, or damage to, property that you bring onto the premises. You are requested not to bring personal items of value onto the premises and, in particular, not to leave any items overnight.

#### **11.6 MOBILE PHONES AND OTHER DEVICES**

The Conservatorium's mobile phones, laptops and other tablet devices are to be used for business purposes and incidental reasonable personal use.

Any unauthorised personal use may be repayable by you and may result in disciplinary action up to and including dismissal. The Conservatorium reserves the right to deduct the appropriate sums from your salary in the event that repayments are not made.

Teachers should switch off personal mobile phones, mp3 players and other personal devices during lessons unless these are being used specifically for teaching purposes, for example recording an accompaniment.

#### **11.7 BEHAVIOUR AT WORK**

You should behave with civility towards fellow employees, clients and members of public, whilst at work. Rudeness will not be permitted. Objectionable or insulting behaviour or bad language may result in disciplinary action up to and including dismissal.

You should use your best endeavours to promote the interests of the Conservatorium and shall, during normal working hours, devote the whole of your time, attention and abilities to the Conservatorium and its affairs.

Any involvement in activities which could be construed as being in competition with the Conservatorium is not allowed.

## **12 HOME WORKING**

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### **12.1 DEFINITION**

A home worker is someone who is employed by the Employer to work at or from their home on a regular basis. An employee who occasionally works from home is not classed as a home worker.

Your working environment and working practices are subject to the same working standards that are applied to working at the Employer's premises regarding confidentiality, access to Employer documents and Health and Safety.

### **12.2 HEALTH AND SAFETY**

The Employer will ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees, including home workers.

A risk assessment of the proposed area of work and the equipment in your home will be carried out to evaluate the risk to your health and safety, as well as the health and safety of your family and members of the public. Thereafter, it is essential that this is routinely checked as often as if you were based at the Employer's premises.

You are responsible for the health and safety of any visitors, children or family members who may come into contact with any property or equipment supplied by the Employer for home-working. If there are any faults in the Employer equipment, the equipment should not be used at any time until it has been inspected and any necessary repairs have been carried out by the appropriate specialists. You are responsible for ensuring that any damage to equipment is reported promptly to the Employer.

### **12.3 CONFIDENTIALITY**

You should note that all Employer business information is regarded as confidential. Therefore, where Employer documents are used in the course of working at home you must take steps to protect Employer records at all times against loss, unauthorised access, alteration or destruction.

You are required to take special care to secure all records and to prevent unauthorised disclosure of any Employer or other business information. Customer contact information is particularly sensitive as the Employer's clients have a legal right to expect personal information held about them to be held in utmost confidence. On behalf of the Employer, it is your legal obligation to ensure these rights are protected.

Precautions must be taken to ensure third parties, including members of your family, visitors or other persons visiting or residing in your home do not become aware of any information which is confidential. Information must not be left unattended when you are working and when materials are not in use they should be locked away in a secure place. Similar precautions must be taken when transporting documents in the course of your work.

You must take responsibility for destroying safely any paperwork containing confidential Employer business that is no longer required. Where necessary, papers can be brought to the Employer's offices for confidential shredding.

If you have any reason to believe that Employer information is lost, altered or has been accessed by any unauthorised person, you must report this to the Employer without delay.

#### **12.4 PROVISION OF COMPANY EQUIPMENT**

The Employer will identify what equipment you need to work from home. This could include equipment such items as a laptop, PC, printer, mobile telephone, internet connection and/or telephone line.

If equipment is supplied by the Employer, the Employer will pay for the installation and maintenance necessary for you to work at home, and pay all expenses incurred in relation to its use including costs for consumables such as paper, cartridges and toner and ongoing costs for telephone and internet usage subject to receipts, itemised bills, and other evidence that the Employer reasonably requires which you incur in the proper performance of your duties.

All property which is provided to you for the purposes of home-working must be returned immediately to the Employer upon request and, in any event, immediately following the termination of your employment.

On the termination of your employment or upon the Employer's request, you must return all Employer property and equipment which is in your possession or for which you have responsibility. Failure to return such items within seven days will result in the cost of the items being deducted from any pay due to you.

You are responsible for any damage to equipment or property which the Employer provides for work purposes which goes beyond ordinary wear and tear and to any damage to your home which may result from the installation or removal of Employer equipment or property.

Where any damage to a Employer property or equipment is due to your negligence or lack of care, the Employer reserves the right to insist on you paying for the cost of repair or replacement of the item(s) in question.

#### **12.5 REMOTE (VIDEOLINK) LESSON DELIVERY**

When teaching via videolink, either from their own home or any other remote location, teachers must:

- use the/a Mitchell Conservatorium-endorsed video platform
- use a Mitchell Conservatorium-provided virtual background, or if their device does not support virtual backgrounds, a plain, static background that will distract neither student nor teacher
- not involve or engage any third persons at the teacher's location unless that person is authorised by the Conservatorium to be a contributor to the lesson

- inform parents of students under the age of 18 that they are welcome to observe their child's lesson at any and all times, either in person, or as a silent third party joining electronically from another location
- observe the Conservatorium's Child Protection policy and principles, and Code of Conduct, at all times

Teachers are to be aware that:

- recordings of lessons will be kept centrally, on the Mitchell Conservatorium cloud storage, for a maximum of 7 days. Lesson recordings can be accessed by relevant teachers for the purpose of reinforcing an educational point with the student or student's parent or guardian, only as and when authorised by Conservatorium management.
- the procedure for recording attendance for remote/videolink lessons is exactly the same as that for face-to-face lessons, that is, via the Conservatorium database program.

## **12.6 CONTACT AND COMMUNICATION**

Managers will agree with home workers the measures that will ensure regularity of one to one supervision and other communication from the Employer.

All home working staff will attend team meetings and other events as specified from time to time by the Employer. They will also maintain regular contact with their administration support staff, and their correspondence will be sent to them on a regular basis, by post or electronically.

In the event of sickness, home workers must contact their line manager as soon as possible on the first day of sickness and comply with all aspects of the Employer's sickness reporting procedures.

## **12.7 MANAGEMENT**

Management of the home worker, other than where detailed in the provisions of this policy, will not differ from the management of the Employer's office-based staff.

Managers will involve their teams in devising the most appropriate methods of maintaining team cohesion and collaboration among the home and office-based staff, paying particular attention to the working relationship between the home worker and their administrative support.

## **13 RECORD KEEPING**

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### **13.1 INTRODUCTION**

This policy aims to provide guidance in relation to record keeping.

The business is required by law to keep up to date and accurate records in respect of their employees.

### **13.2 GENERAL REQUIREMENTS**

Mitchell Conservatorium is required to maintain employee records in English, in a form that is legible and accessible to employees and inspectors.

These records must be accurate and kept for a period of seven years.

Paper records are secured in filing cabinets located on site. Hard disc copies of records are stored off site. Electronic records are maintained onsite and then transferred off site daily.

### **13.3 CONTENT**

The following employment records are to be kept:

- basic employment details such as name of the employer and the employee and the nature of employment (e.g., full time, part time or casual; permanent or temporary)
- employees' start date and date of termination
- pay records, including that information required to be included on the pay slips
- if the employee is entitled to overtime pay, records of any overtime hours worked and paid
- arrangements relating to the averaging of hours
- leave entitlements, including details of leave accruals and any leave the employee takes, as well as any agreements to cash out leave
- details of any superannuation contributions, including the contribution date, amount, period and the fund in which the contribution is deposited
- records relating to the termination of employment, including the party who initiated termination and the manner of termination
- any individual flexibility arrangements entered into

- any guarantees of annual earnings provided

Mitchell Conservatorium is required to make a copy of employee records available for inspection and copying by employees, former employees and Fair Work Inspectors.

In certain circumstances, union officials may also have the right to inspect/copy employee records.

## 14 WHISTLEBLOWER POLICY

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### 14.1 INTRODUCTION

The *Corporations Act 2001 (Cth)* provides protections for certain types of persons that make a disclosure of Reportable Conduct. This policy has been put in place to ensure employees and other Disclosers can raise concerns regarding any misconduct or improper state of affairs or circumstances of the Employer (including any related entities of the Employer) (**the Employer**) without being subject to victimisation, harassment or discriminatory treatment.

### 14.2 WHO DOES THIS POLICY APPLY TO?

The protections in this policy apply to Disclosers, which means anyone who is, or has been, any of the following with respect to the Employer:

- employee
- director
- officer
- contractor (including employees of a contractor)
- supplier (including employees of suppliers)
- associate
- consultant, or
- a relative, dependant, spouse, or dependant of a spouse of any of the above.

The protections in this policy will also apply to any person who has made a disclosure of information relating to the Employer to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to whistleblowing protection laws.

### 14.3 REPORTABLE CONDUCT

Reportable Conduct is conduct which involves:

- dishonest behaviour
- fraudulent activity
- unlawful, corrupt or unethical use of company funds or practices

- improper or misleading accounting or financial reporting practices
- behaviour that is oppressive, discriminatory or grossly negligent
- unsafe work practices
- a serious risk to the health and safety of any person at the workplace
- a serious risk to public health, public safety or the environment, or
- behaviour which may cause financial loss to the Employer, damage its reputation or be otherwise detrimental to the Employer's interests.

Personal work-related grievances regarding matters such as an interpersonal conflict with the Discloser and another employee or a business decision relating to an engagement, transfer, promotion, terms and conditions, suspension or termination of the Discloser's employment typically fall outside this policy and should be raised in accordance with the relevant employee grievance policy that applies. An exception to this is where a personal work-related grievance is related to detrimental treatment taken against the Discloser because the Discloser has made (or is suspected of making) a disclosure under this policy, or because the Discloser proposes to (or could) make a disclosure under this policy.

#### **14.4 RESPONSIBILITY TO REPORT**

The Employer relies on its employees and Disclosers to maintain its culture of honest and ethical behaviour. To this end, it is expected that any Discloser who becomes aware of Reportable Conduct will make a formal report.

#### **14.5 HOW TO REPORT**

Employees of the Employer should initially report the Reportable Conduct to their relevant Senior Manager by telephone or email.

If a Discloser is unable to use the above reporting channel, a report can be made to an Eligible Recipient within the Employer. Eligible Recipients in relation to the Employer are:

- directors
- officers
- senior managers, or
- any appointed external auditor or actuary of the Employer.

Reports to an Eligible Recipient may be made in person or by telephone, and the Discloser must inform the Eligible Recipient that they wish to make a report under this policy.

## **14.6 INVESTIGATION OF REPORTABLE CONDUCT**

Upon receiving a report, the relevant Senior Manager/s of the Employer will determine if the report relates to Reportable Conduct and, if so, the report will be investigated as appropriate. The investigation may be conducted internally or via an externally appointed investigator.

The particular investigation process and enquiries will be determined by the nature and substance of the report. All investigations will be conducted in an objective and fair manner, and will be reasonable and appropriate having regard to the nature of the Reportable Conduct and the circumstances.

Where a Discloser wishes to remain anonymous, the Discloser's identity will not be disclosed to the investigator or to any other person. Information that is likely to lead to the identification of the Discloser can be disclosed without the Discloser's consent, provided that:

- the disclosure of the confidential information is reasonably necessary for the purposes of investigating the conduct disclosed by the Discloser, and
- all reasonable steps are taken to reduce the risk that the Discloser will be identified.

Where appropriate, the Eligible Recipient or appointed investigator will provide feedback to the Discloser regarding the investigation's progress and/or outcome. This will be subject to privacy and confidentiality considerations.

## **14.7 CONFIDENTIAL REPORTING**

All reasonable steps will be taken to protect a Discloser's identity following a report of any matter that is considered Reportable Conduct.

Information about a Discloser's identity and information that is likely to lead to the identification of the Discloser may be disclosed in the following circumstances:

- where the information is disclosed to ASIC, APRA or the Australian Federal Police
- where the information is disclosed to a legal practitioner for the purpose of obtaining legal advice in relation to the operation of applicable whistleblowing protection laws, or
- where the Discloser consents.

All information, files and records that form part of an investigation into Reportable Conduct will be retained securely.

## **14.8 PROTECTIONS AND SUPPORT AVAILABLE TO DISCLOSERS**

A Discloser will not be subject to any civil, criminal or disciplinary action for making a report that is covered by this policy, or for participating in any subsequent investigation by the Employer.

The Employer will not tolerate any retaliation against any Discloser. Retaliation occurs where a person causes or threatens detrimental treatment to another person as a result of making a report of Reportable Conduct. Detrimental treatment may include, but is not limited to:

- dismissal
- injury of an employee in their employment
- alteration of an employee's position or duties to their disadvantage
- discrimination between an employee and other employees of the same employer
- harassment or intimidation of a person
- damage to a person's property
- damage to a person's reputation
- damage to a person's business or financial position, or
- any other damage to a person.

Detrimental treatment by any employee will be deemed a serious breach of this policy and may result in disciplinary action up to and including termination of employment. Retaliatory conduct may also attract civil or criminal liability.

The Employer will connect the Discloser with internal and external support providers as necessary.

#### **14.9 AMENDMENT AND AVAILABILITY OF THIS POLICY**

This policy, as it is amended from time to time, will be made available to you.

## **15 CAPABILITY PROCEDURE**

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### **15.1 INTRODUCTION**

We recognise that during your employment with us you may find yourself less capable of conducting your duties. This might commonly be because either the job changes over a period of time and you fail to keep pace with the changes, or you change (perhaps because of health reasons) and you can no longer cope with the work.

### **15.2 JOB CHANGES/GENERAL CAPABILITY ISSUES**

If the nature of your job changes, or if we have general concerns about your ability to perform your job, we will try to ensure that you understand the level of performance expected of you and that you receive adequate training and supervision. Concerns regarding your capability will normally first be discussed in an informal manner and you will be given time to improve.

If your standard of performance is still not adequate, you will be warned in writing that a failure to improve and to maintain the performance required could lead to your dismissal. We will also consider the possibility of a transfer to more suitable work if possible.

If there is still no improvement after a reasonable time and we cannot transfer you to more suitable work, or if your level of performance has a serious or substantial effect on the Conservatorium to its detriment, you will be issued with a final warning that you will be dismissed unless the required standard of performance is achieved and maintained.

If such improvement is not forthcoming after a reasonable period of time, you will be dismissed with the appropriate notice.

### **15.3 PERSONAL CIRCUMSTANCE/HEALTH ISSUES**

Personal circumstances may arise which do not prevent you from attending for work but which prevent you from carrying out your normal duties (e.g. a lack of dexterity or general ill health). If such a situation arises, we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice.

Under normal circumstances, this can be most easily obtained by asking your own doctor for a medical report. Your permission is needed before we can obtain such a report and we will expect you to co-operate in this matter should the need arise. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with the Conservatorium in your current role or, where circumstances permit, in a more suitable role.

There may also be personal circumstances which prevent you from attending work, either for a prolonged period or for frequent short absences. Under these circumstances, we will need to know when we can expect your attendance record to reach an acceptable level. This may again mean asking your own doctor for a

medical report or by making whatever investigations are appropriate in the circumstances. When we have obtained as much information as possible regarding your condition, and after consultation with you, a decision will be made about your future employment with the Conservatorium in your current role or, where circumstances permit, in a more suitable role.

#### **15.4 SHORT SERVICE STAFF**

We retain discretion in respect of the capability procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal but you will retain the right to a hearing.

## **16 DISCIPLINARY PROCEDURE**

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### **16.1 INTRODUCTION**

This policy set standards of performance and behaviour expected by the Conservatorium, together with the procedure to be followed in the event of disciplinary issues. The policy aims to help promote fairness and order in the treatment of individuals. It is the Conservatorium's aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.

Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case.

The following rules and procedures should ensure that:

- the correct procedure is used when requiring you to attend a disciplinary hearing;
- you are fully aware of the standards of performance, action and behaviour required of you;
- disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
- you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case;
- at all disciplinary hearings, rather than investigatory meetings, you have the right to be accompanied by a support person at all stages of the formal disciplinary process;
- you will not normally be dismissed for a first breach of discipline, except in the case of serious misconduct; and
- if you are disciplined, you will receive an explanation of the penalty imposed.

On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This should not be regarded as disciplinary action or a penalty of any kind.

### **16.2 DISCIPLINARY RULES**

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and serious misconduct shown in this policy, a breach of other specific conditions, procedures and practices set out elsewhere in this Employee Handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

### **16.3 RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT**

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- failure to abide by the general health and safety rules and procedures;
- persistent absenteeism and/or lateness;
- unsatisfactory standards or output of work;
- rudeness towards customers/clients, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
- failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
- unauthorised use of email and internet;
- failure to carry out all reasonable instructions or follow our rules and procedures;
- unauthorised use or negligent damage or loss of our property;
- failure to report immediately any damage to property or premises caused by you;
- This list is not exhaustive.

### **16.4 SERIOUS MISCONDUCT**

Occurrences of serious misconduct are very rare because the penalty is dismissal without notice, even without any previous warning being issued. It is not possible to provide an exhaustive list of examples of serious misconduct. However, any behaviour or negligence resulting in a fundamental breach of your contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute serious misconduct. Examples of offences that will normally be considered to be serious misconduct include serious instances of:

- theft or fraud;
- physical violence or bullying;
- deliberate damage to property;
- deliberate acts of unlawful discrimination or harassment;
- possession, or being under the influence, of illegal drugs at work; and
- breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.

## 16.5 DISCIPLINARY PROCEDURE

Disciplinary action taken against you may be based on the following procedure:

<b>Offence</b>	<b>1<sup>st</sup> occasion</b>	<b>2<sup>nd</sup> occasion</b>	<b>3<sup>rd</sup> occasion</b>	<b>4<sup>th</sup> occasion</b>
Unsatisfactory conduct	Formal warning	verbal Written warning	Final warning	written Dismissal
Misconduct	Final warning	written Dismissal		
Serious misconduct	Dismissal			

We retain discretion in respect of the disciplinary procedures to take account of your length of service and the severity of the misconduct to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal, but you will retain the right to a disciplinary hearing.

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.

In all cases, warnings will be issued for misconduct, irrespective of the precise matters concerned and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings do not change behaviour.

## 16.6 GENERAL NOTES

If you are in a supervisory or managerial position then demotion to a lower status at the appropriate rate of pay may be considered as an alternative to dismissal, except in cases of serious misconduct.

In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for serious misconduct) may be considered by the person authorised to dismiss.

Serious misconduct offences will result in dismissal without notice.

## **17 COMPLAINTS AND GRIEVANCE PROCEDURE**

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### **17.1 INTRODUCTION**

Mitchell Conservatorium prides itself on providing good customer service and an excellent standard of teaching.

Our customer service to our customers and the community reflects our mission and vision statement. Complaints and feedback provide very important information to us, helping us to continually improve the services that we offer.

### **17.2 CUSTOMER COMPLAINTS**

Our customer service to our customers and the community reflects our mission and vision statement. Complaints and feedback provide very important information to us, helping us to continually improve the services that we offer. When a customer complaint is made against a member of staff in relation to their attitude, behaviour or service provided, it will be treated objectively and fairly by:

- Informing the employee of the complaint about their performance
- Provide the employee an opportunity to explain and respond to the complaint
- Provide the employee appropriate support and training

All customer complaints, whether formal or informal will be recorded on the Complaint's Register for the purpose of continuous improvement and monitored for any identifying trends by management and rectification/remedial action taken to mitigate any identified issues.

Formal customer complaints will be investigated and where the employee is found to be at fault for performance or conduct issue, appropriate action will be taken and may include performance management or disciplinary action in accordance with the Employer's disciplinary procedure.

### **17.3 FORMAL VS INFORMAL COMPLAINTS**

#### **i) Formal Complaint**

Formal procedures focus on proving whether a complaint is substantiated. They usually involve:

- investigation of the allegations
- application of the principles of procedural fairness
- making a finding as to whether the complaint was warranted

- submitting a report with a recommended course of action to the appropriate decision-maker (senior management)
- implementation of an appropriate outcome

#### **ii) Informal Complaint**

Informal procedures emphasise resolution rather than factual proof or substantiation of a complaint.

Informal action is usually appropriate where:

- the allegations of complaint/s are of a less serious nature but the individual alleging the behaviour wants it addressed
- the individual alleging the behaviour wishes to pursue an informal resolution
- the parties are likely to have ongoing contact with one another and the complainant wishes to pursue an informal resolution so that the customer/employee relationship can be maintained

### **17.4 EMPLOYEE GRIEVANCES**

It is important that if you feel dissatisfied with any matter relating to your employment you should have an effective means by which to raise such a grievance and, where appropriate, have it resolved.

Nothing in this procedure is intended to prevent you from informally raising with your manager any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should normally do so in writing from the outset.

If you feel aggrieved at any matter relating to your work (except harassment, for which there is a separate procedure following this section), you should first raise the matter with your manager, explaining fully the nature and extent of your grievance. You will then be invited to a meeting at a reasonable time and location at which your grievance will be investigated fully. You must take all reasonable steps to attend this meeting. You will be notified of the decision, in writing, normally within ten (10) working days of the meeting.

## **18 BULLYING AND HARASSMENT**

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### **18.1 INTRODUCTION**

The Conservatorium is committed to promoting a fair, safe and healthy working environment in which everyone is treated with dignity and respect and in which no individual or group feels bullied, threatened or intimidated.

Bullying or harassment in any form is unacceptable behaviour and will not be permitted or condoned.

We recognise that bullying and harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by detracting from a productive working environment and can impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

### **18.2 HARASSMENT**

We have published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.

We recognise that we have a duty to implement this policy and all employees are expected to comply with it.

Harassment is any unwanted physical, verbal or non-verbal conduct based on grounds of age, disability, gender identity, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment.

A single incident of unwanted or offensive behaviour can amount to harassment.

Harassment can take many forms and individuals may not always realise that their behaviour constitutes harassment. Examples of harassment include:

- insensitive jokes and pranks;
- lewd or abusive comments about appearance;
- deliberate exclusion from conversations;
- displaying abusive or offensive writing or material;
- unwelcome touching; and
- abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of harassment.

### **18.3 BULLYING**

Bullying is repeated, offensive, abusive, intimidating, insulting or unreasonable behaviour directed towards an individual or a group, which makes the recipient(s) feel threatened, humiliated or vulnerable. Note single incidents of bullying will not be tolerated.

Bullying can occur in the workplace and outside of the workplace at events connected to the workplace, such as social functions or business trips.

Bullying can be a form of harassment and can cause an individual to suffer negative physical and mental effects.

Bullying can take the form of physical, verbal and non-verbal conduct. As with harassment, there are many examples of bullying, which can include:

- abusive, insulting or offensive language or comments;
- unjustified criticism or complaints;
- physical or emotional threats;
- deliberate exclusion from workplace activities;
- the spreading of misinformation or malicious rumours; and
- the denial of access to information, supervision or resources such that it has a detrimental impact on the individual or group.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of bullying.

### **18.4 BULLYING AND HARASSMENT COMPLAINT PROCEDURES**

#### **i) Informal complaint**

We recognise that complaints of bullying, harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper.

If you are the victim of minor bullying or harassment you should make it clear to the bully or harasser on an informal basis that their behaviour is unwelcome and ask the individual to stop. If you feel unable

to do this verbally then you should hand a written request to the individual, and your confidential helper can assist you in this.

## **ii) Formal complaint**

Where the informal approach fails or if the bullying or harassment is more serious, you should bring the matter to the attention of management as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the bullying or harassment so that the written complaint can include:

- the name of the alleged bully or harasser;
- the nature of the alleged incident of bullying or harassment;
- the dates and times when the alleged incident of bullying or harassment occurred;
- the names of any witnesses; and
- any action already taken by you to stop the alleged bullying or harassment.

On receipt of a formal complaint we will take action to separate you from the alleged bully or harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged bully or harasser to another work area or suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a report of the findings and of the investigator's decision will be sent, in writing, to you and to the alleged bully or harasser.

## **18.5 GENERAL NOTES**

If the report concludes that the allegation is well founded, the bully or harasser will be liable to disciplinary action in accordance with our disciplinary and disciplinary dismissal procedure.

If you bring a complaint of bullying or harassment you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent; disciplinary action will be taken against you.

## **19 CHILD PROTECTION POLICY**

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### **19.1 INTRODUCTION**

The Employer is dedicated to the emotional, physical and musical well being of children under its care. Consequently, as a major strategic concern, the Employer 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 the Employer. This policy will outline the Employer's policy regarding:

- i. Child Protection in general
- ii. Child Protection Employment Requirements
- iii. Employer Child Protection Reporting Procedures
- iv. Employer Actions in response to allegations against Employees – Non-reportable, inappropriate conduct with children
- v. Employer 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 Employer policies and contracts:

- The Employer's Code of Conduct policy
- Your contract of employment

### **19.2 RELEVANT LEGISLATION**

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW)
- Child Protection (Offenders Registration) Act 2000 (NSW)
- Crimes Act 1900 (NSW)

- Privacy and Personal Information Protection Act 1998
- Commission for Children and Young People Act 1998 (NSW)
- The Ombudsman Act 1974 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013
- Children and Young Persons (Care and Protection) Act 1998

Copies of legislation are available at [http://www.austlii.edu.au/au/legis/nsw/consol\\_act](http://www.austlii.edu.au/au/legis/nsw/consol_act)

### **19.3 RELEVANT LEGISLATION**

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 the Employer.

Personnel: refers to any employed, volunteer or visiting person engaged by the Employer specifically to work with children. Where personnel are specifically related to the Employer they are referred to within this policy as Employer personnel.

### **19.4 CHILD PROTECTION POLICY STATEMENT**

#### MANDATORY REPORTERS

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.

Employer employees are mandatory reporters.

#### REPORTABLE CONDUCT UNDER THE OMBUDSMAN ACT 1974

Reportable conduct refers to the following:

- Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence); or
- An offence involving child abuse material [within the meaning of Division 15A of Part 3 of the Crimes Act 1900]; or

- Any assault, ill treatment or neglect of a child; or
- Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Young persons (age 16–17 years)

- 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.

#### PROCEDURES FOR REPORTING CONCERNS

If there are concerns about the safety, welfare or well-being of a child or young person normal procedures for reporting to Department of Family and Community Services (FaCS) are to be followed:

- Inform the Executive Director
- 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.
- Provide any further information required by the FaCS Helpline Officer
- If these concerns relate directly to the actions of the Executive Director, report these directly to FaCS via their Helpline on 132 111.

#### SAFEGUARDS FOR PEOPLE MAKING A REPORT

- 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.
- 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 Executive Executive Director) has the following protection by law:
  - the making of a report does not constitute a breach of professional ethics or a departure from accepted standards of professional conduct
  - no liability for defamation can be incurred because of the report
  - the report is not admissible in any proceedings as evidence against the person who made the report
  - a person cannot be compelled in any proceedings to provide the report or give evidence of any of its contents
  - 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

- no staff member should respond to an enquiry or complaint about a report or confirm or deny that any report has been made

#### CHILD PROTECTION EMPLOYMENT REQUIREMENTS

The Employer requires that all activities conducted by the Employer or in conjunction with the Employer including, but not restricted to, teaching, excursions, conducting, recitals, examinations and performance programs in government and non-government schools or other external organizations conform to the Employer's Risk Management policies and procedures regarding child protection and OH&S.

Accordingly:

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

## CHILD PROTECTION REPORTING PROCEDURES

When allegations have been made against the Employer's staff to the Employer

- The Employer will treat all reports in strict confidentiality and protect the professional reputation of teachers at all times. The Employer will operate all child protection matters on an allegation basis.
- All Employer personnel are required to report any matter pertaining to the protection of children under this policy.
- All Employer personnel are required to report any Child Protection matter to the Employer's Executive Director or his/her nominee within three days.
- The Employer 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.
- In accordance with legislation, the Employer will report any allegation of child abuse without initial reference to the personnel to FaCS and the Ombudsman's Office. Under legislation, the Employer will not investigate the matter further until formal investigations by relevant external organizations are complete.

When a school has lodged an allegation regarding Employer staff

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

Allegation management of non Employer staff

- Where allegations are made to the Employer relating to persons who are not Employer Personnel, the Employer will report any allegation of abuse according to legislative requirements as detailed in the Commission for Children and Young People (CCYP) Act 1998. Where abuse is alleged to have occurred within the jurisdiction of an external organisation, the Employer will act in accordance with the legislation and consult with the Child Protection Agency attached to the external organisation.

- All allegations will be held in the strictest confidence in accordance with the Privacy Act 1988.

#### ALLEGATION MANAGEMENT OF EMPLOYER PERSONNEL

Employer Actions in response to allegations against Employees – Non-reportable, Inappropriate conduct with children

- 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, the MITCHELL CONSERVATORIUM reserves the right to:

- Take appropriate disciplinary action, upon legal advice, where personnel are alleged to have acted inappropriately with children.

- Employer Actions in response to allegations against Employees – Reportable Conduct

- 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, the Employer reserves the right to:

**Casual Staff:** Suspend without pay any casual personnel from all Employer 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 the Employer.

**Salaried Staff or permanent Administrative or Auxiliary Staff:** Suspend fixed term contract personnel on full pay for the duration of the investigation from all Employer 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 the Employer. 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.

**The Employer’s 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 evidence available to the Employer suggests further contact, by the alleged, with children carries a high probability of risk to children or the Employer.

**All Employer staff:** The Employer 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 Employer personnel or where extreme risk to children or the Employer is probable.

## EQUITY AND CONFIDENTIALITY

The Employer will treat all allegations in the strictest of confidence under the Privacy Act 1988 and the Freedom of Information Act 1982.

The Employer 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 the Employer at the time of the abuse or where the abuse was inflicted by Employer personnel.

Any Employer 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.

All Employer 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.

## ROLE AND RESPONSIBILITIES

### **Employer Personnel**

All Employer Personnel are required to make themselves available for Child Protection Training as provided or required by the Employers Child Protection Policy.

All Employer personnel are bound by the NSW Ombudsman's Act 1974 to report any incident of Child Abuse within the context of the Employer and this policy to the Employer's Executive 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.

### **Employer's Executive Director**

The Employer's Executive Director will manage the Employer's Child Protection Policy and ensure that all MITCHELL CONSERVATORIUM personnel are trained in Child Protection.

The Employer's Executive Director will report all allegations of abuse to FaCS and the Commission for Children and Young People (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 Employer's Executive Director will advise and consult with the MITCHELL CONSERVATORIUM OH&S Officer in the management of the Employer's Risk Management Policy and the relevant linking of policies to Child Protection.

The Employer's Executive Director will inform, under the confidentiality conditions of this policy, the Chair of the Employer's Board of Management any allegations made against Employer Personnel.

The Employer's Executive Director will, upon consultation with the Employer's Board of Management, enact any component of this policy as required. The Employer's Executive Director is required to ensure the Employer's Board of Management, is made aware of all allegations against Employer Personnel in relation to risk management. The Employer's Executive 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 Employer's Board of Management must treat all matters falling under this policy as strictly confidential under the relevant legislation.

The Employer's Executive 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 Employer's Executive 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.

### **Risk Management Committee**

The Employer's Risk Management Committee will ensure that all Employer activities are conducted within acceptable levels of risk. Where appropriate, the Employer's Risk Management Committee 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 Employer's Risk Management Committee will ensure that it remains the currency of the Employer's Child Protection Policy and maintains the Employer's Child Protection Policy in accordance with any changes to the relevant legislation.

Further, the Employer's Risk Management Committee will equip the Employer's Executive Director with current legal rights and responsibilities as regards child protection, staff legal support and child welfare.

### **Board of Management**

The Employer's Board of Management will provide oversight on all aspects of this policy.

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

## 20 TRANSPORT

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### 20.1 INTRODUCTION

This policy covers transport requirements for staff of Mitchell Conservatorium in carrying out teaching and music education activities for Mitchell Conservatorium.

The Purpose of this policy is to ensure that staff are safe when they travel to workplaces and between Mitchell Conservatorium campuses. It is recognised that staff will be required to travel to places of work or to teaching engagements as a part of a teaching practice. It is also acknowledged that the Mitchell Conservatorium spans three regional areas with four regional offices. It is therefore expected that transport will be required within regional areas and also between the regions.

### 20.2 SAFE DRIVING

It is imperative that Mitchell Conservatorium staff be safe when driving or travelling on the roads.

As such the following must be observed:

- Driving must be within the requirements of the law.
- Staff should drive safely and to the conditions.
- Staff should be aware of the signs of tiredness or fatigue and take action to avoid fatigue.
- Staff should be aware and vigilant of wildlife, local flooding, fallen trees, traffic incidents, pot holes, road surfaces, and other issues or incidents that may affect driving or travelling on the roads.
- Vehicles must be in a safe condition and regularly maintained.

### 20.3 GENERAL

Where private vehicles are used for transport to places of work, the following shall apply.

Private vehicles shall be registered and covered by comprehensive insurance. Staff shall not hold Mitchell Conservatorium responsible for any costs or losses associated with any damages however sustained to the vehicle during the travel specified.

An “*Authority for Use of Private Vehicle*” form shall be completed and submitted to Mitchell Conservatorium administration office at the beginning of each year. Staff shall inform the administration office immediately if any details in the form change (e.g. new car purchased, change of insurance company). Travel payments will not be made to staff if the form has not been received by the administration office.

Travel payments will be made to staff to compensate the use of a private vehicle.

This payment will be made via the payroll system and will be paid as an untaxed "*Allowance*". These travel payments will be listed on staff Group Certificates and will form part of staff assessable income for the purpose tax assessment and tax returns. Staff should seek professional tax advice if there are any issues in relation to tax assessment.

The travel payment will be paid for authorized Mitchell Conservatorium travel for trips over 20km each way and will only be paid on a minimum of three students or classes.

Staff will still be issued with a Travel Authority form twice per Term, which will be required to be completed with details of dates of travel, and kms travelled.

Payments will made be via the payroll system.

Mitchell Conservatorium covers three regions with four regional offices. It is therefore acknowledged that staff may be required to travel some longer distances as a part of Mitchell Conservatorium activities. It is also acknowledged that much of this travel may be on country roads and subject to risks associated with remote and country travel.

Fatigue is a significant risk in relation to situations requiring longer travel. Staff will be required manage travel and work days to avoid fatigue. As a general rule staff must take a 15-minute break after every two hours of driving. In addition, a work day including driving or travelling must not exceed 12 hours in duration. Staff should also be aware of the signs of fatigue and immediately take a rest break if aware of tiredness or fatigue developing.

Country roads also present a number of risks. These include wildlife, local flooding, fallen trees, traffic incidents, pot holes, road surfaces, and other issues or incidents that may affect driving or travelling on the roads. As such staff should be vigilant of these issues and drive safely and to the conditions. It should also be noted local conditions can change rapidly and these need to be accommodated when driving.

When travelling for longer distances staff must advise travel plans to their Regional Manager or to the administration office.

## 21 PRIVACY POLICY

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While the operation of the Privacy Act does not apply to the Conservatorium in regards to any acts which directly relate to:

- a) the employment relationship between the organisation and the individual; and
- b) an employee record held by the organisation

the Conservatorium treats the handling of your personal information very seriously. Accordingly, the purpose of this policy is to ensure the protection of your privacy in relation to the handling of your personal information.

### 21.1 COLLECTION OF PERSONAL INFORMATION

Personal information may be collected during the recruiting process and throughout your employment with the Conservatorium. This personal information may be disclosed to other departments within the business for administrative purposes and for the progression of your application. All confidential information will be used for legitimate purposes in accordance with relevant legislation.

**Personal information** includes information relating to:

- the engagement, training, disciplining or resignation of the employee;
- termination of the employment of the employee;
- terms and conditions of employment of the employee;
- employee's personal and emergency contact details;
- employee's performance or conduct;
- employee's hours of employment; employee's salary or wages;
- employee's membership of a professional or trade association;
- employee's trade union membership;
- employee's recreation, long service, sick, personal, maternity, paternity or other leave, and
- employee's taxation, banking or superannuation affairs.

All reasonable attempts will be made to keep this information relevant, complete and current. You must ensure that any personal information provided is accurate and current.

## **21.2 YOUR RESPONSIBILITIES**

In light of the above objective, every employee is responsible for the appropriate handling of such information and to prevent unlawful disclosure.

If you have access to this information or such any personal information belonging to another employee or a client of the Conservatorium, you must ensure that you maintain the confidence of any confidential information that you have access to, or become aware of, during the course of your employment and will prevent its unauthorised disclosure or use by any other person.

You will not use the confidential information for any purpose other than for the relevant and related Conservatorium processes during or after your employment.

## **21.3 BREACH**

Any action in breach of this policy may result in disciplinary action being taken.

## **22 EQUAL OPPORTUNITIES POLICY**

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### **22.1 STATEMENT OF POLICY**

We recognise that discrimination is unacceptable and, although equality of opportunity has been a long standing feature of our employment practices and procedure, we have made the decision to adopt a formal equal opportunities policy. Breaches of the policy will lead to disciplinary proceedings and, if appropriate, disciplinary action.

The aim of the policy is to ensure that no job applicant or employee is discriminated against either directly or indirectly on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.

The policy will be communicated to all private contractors reminding them of their responsibilities in respect of equality of opportunity.

We will maintain a neutral working environment in which no employee or worker feels under threat or intimidated.

### **22.2 RECRUITMENT AND SELECTION**

The recruitment and selection process is crucially important to any equal opportunities policy. We will endeavour through appropriate training to ensure that employees making selection and recruitment decisions will not discriminate, whether consciously or unconsciously, in making these decisions.

Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy.

We will adopt a consistent, non-discriminatory approach to the advertising of vacancies.

We will not confine our recruitment to areas or media sources which provide only, or mainly, applicants of a particular group.

All applicants who apply for jobs with us will receive fair treatment and will be considered solely on their ability to do the job.

All employees involved in the recruitment process will periodically review their selection criteria to ensure that they are related to the job requirements and do not unlawfully discriminate.

Short listing and interviewing will be carried out by more than one person where possible.

Interview questions will be related to the requirements of the job and will not be of a discriminatory nature.

Selection decisions will not be influenced by any perceived prejudices of other staff.

### **22.3 TRAINING AND PROMOTION**

Senior staff will receive training in the application of this policy to ensure that they are aware of its contents and provisions.

All promotion will be in line with this policy.

## **23 TERMINATION OF EMPLOYMENT**

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### **23.1 RESIGNATIONS**

All resignations must be provided in writing, stating the reason for resigning your post.

### **23.2 TERMINATING YOUR EMPLOYMENT WITHOUT NOTICE**

If you terminate your employment without giving or working the required period of notice, as indicated in your contract of employment, you will have an amount equal to any additional cost of covering your duties during the notice period not worked deducted from any termination pay due to you.

### **23.3 RETURN OF CONSERVATORIUM PROPERTY**

On the termination of your employment, you must return all Conservatorium property which is in your possession or for which you have responsibility. Failure to return such items within seven (7) days will result in the cost of the items being deducted from any monies outstanding to you.

All Conservatorium property should be returned to management.

## **24 CODE OF CONDUCT**

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### **24.1 PURPOSE**

Mitchell Conservatorium recognises the importance of a work environment which actively promotes best practice. The purpose of this Code of Conduct is to describe the standards of behaviour and conduct expected from workplace participants in their dealings with customers, suppliers, clients, co-workers, management and the general public.

Mitchell Conservatorium expects all workplace participants to observe the standards set out in this Code of Conduct. Compliance with this Code is expected and non-compliance may result in disciplinary action. Agents and contractors (including temporary contractors) may have their contracts with Mitchell Conservatorium terminated or not renewed.

### **24.2 COMMENCEMENT**

This Code of Conduct will commence from 1 January 2014. It replaces all other codes of conduct (whether written or not).

### **24.3 APPLICATION OF POLICY**

This Code of Conduct applies to employees, agents and contractors (including temporary contractors) of Mitchell Conservatorium, collectively referred to in this policy as 'workplace participants'.

The Code of Conduct does not form part of any contract between an employee and Mitchell Conservatorium nor does it form part of any other workplace participant's contract for service.

### **24.4 THE CODE**

All employees of Mitchell Conservatorium are expected to observe the highest standards of ethics, integrity and behaviour during the course of their employment with Mitchell Conservatorium. This Code provides an overview of Mitchell Conservatorium's fundamental business values. It is by no means exhaustive, but summarises some of our most important policies, which are based on standards that underlie our business ethics and professional integrity, standards that apply to all workplace participants.

As representatives of Mitchell Conservatorium, all workplace participants are expected to conduct themselves in a professional and courteous manner and observe the following standards of behaviour both inside the workplace and outside the workplace where the workplace participant can be perceived as Mitchell Conservatorium:

Comply with all laws, policies, procedures, rules, regulations and contracts.

Comply with all lawful and reasonable directions from Mitchell Conservatorium.

Be honest and fair in dealings with customers, clients, suppliers, co-workers, management and the general public.

Display the appropriate image of professionalism at your workplace. Wear the required uniform, safety equipment or work clothes, and if a workplace participant wears their own clothes, ensure their appearance is neat and tidy.

Treat customers, clients, suppliers, co-workers, company management and the general public in a non-discriminatory manner with proper regard for their rights and dignity. In this regard, discrimination, victimisation or harassment based on a person's race, colour, creed, religion, national origin, citizenship, age, sex, sexual orientation, marital status, union membership or non-membership, mental or physical disability, or any other classification protected by law will not be tolerated.

Promptly report any violations of law, ethical principles, policies and this Code.

Maintain punctuality. If a workplace participant is late or cannot report for work, please telephone and let the supervisor know as soon as possible.

Do not use work time for private gain. If a workplace participant is required to leave the work premises for personal reasons they should advise their Manager well in advance.

Maintain and develop the knowledge and skills necessary to carry out duties and responsibilities.

Observe health and safety policies and obligations, and co-operate with all procedures and initiatives taken by Mitchell Conservatorium in the interests of occupational health and safety.

Be truthful in all dealings with persons encountered at the workplace.

Refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper conduct or biased performance.

Not act for an improper or ulterior purpose or on irrelevant grounds.

Never demand or request any gift or benefit in connection with employment or engagement.

Respect Mitchell Conservatorium's ownership of all of its funds, equipment, supplies, books, records and property.

Maintain during employment with Mitchell Conservatorium and after the termination of employment, the confidentiality of any confidential information, records or other materials acquired during the employment with Mitchell Conservatorium.

While employed at Mitchell Conservatorium, not accept any employment with another organisation that is a supplier or competitor of Mitchell Conservatorium, or any other employment that is in conflict with your position at Mitchell Conservatorium.

Not make any unauthorised statements to the media about Mitchell Conservatorium's business (requests for media statements should be referred to the Executive Director).

Do not fight in the workplace.

Do not swear in the workplace.

Never report for work under the influence of illicit drugs or alcohol. If a workplace participant is taking prescription medication, they must inform their manager. Workplace participants may be required to produce medical evidence to prove their medication does not affect their capacity to work and to work safely.

Do not smoke during working hours unless during prescribed breaks and within designated areas.

## **24.5 ISSUES FOR MANAGERS AND SUPERVISORS**

Managers and supervisors should also:

- Promote a team spirit.
- Maintain confidentiality when conducting investigations into grievances and disputes.
- Avoid bias in decision making.

- Ensure compliance with procedures when carrying out counselling and discipline.
- Exercise objectivity when administering rewards or discipline.
- Do not condone, permit, or fail to report any breaches of the above code by workplace participants under their supervision.

#### **24.6 CODE OF BEHAVIOUR FOR STAFF**

All members of the Mitchell Con community (students, ensemble members, parents/guardians and volunteers) are to treat each other with consideration and respect.

All Mitchell Con Students and Ensemble Members are to treat their tutors and conductors with consideration and respect.

All Mitchell Con Students and Ensemble Members must treat their colleagues with consideration and respect.

All Mitchell Con Ensemble Tutors & Conductors must treat the students in their charge and students' parents /guardians with consideration.

All Mitchell Con Students and Ensemble Members must be punctual for lessons, rehearsals and performances

#### **24.7 TEACHING STUDIO RISK MANAGEMENT POLICY**

Studio teachers must ensure that the below is actioned and followed on a daily basis.

Studio teachers will:

- Supervise students at all times during music lessons
- Ensure that no unauthorised visitors have unsupervised contact with students during lesson times
- Ensure that teaching spaces (studios) are well-lit, adequately ventilated and amenable for the students learning /performing comfort
- Allow no food or beverage, other than bottled water, in the studio
- Allow no smoking in the studio
- Allow no running or other risky physical behaviour on the property
- Ensure that students are aware of where the toilet facilities are located, and give an assurance that students are free to use those facilities as required
- Refrain from any and all physical contact with students under the age of 18 (children and young people). Physical feedback for hand or arm positions for instrumentalists, or breath management and body alignment for singers, can only be given to adult students, and only after the (adult) student has given clear consent. Any such contact would be minimal, non-invasive, non-threatening, non-sexual and non-bullying.

- Adhere to the Mitchell Conservatorium Child Protection policy, and the Mitchell Conservatorium Code of Conduct, as well as all other MitCon policies as published in and in association with the staff and teacher handbooks, the MitCon website and any other source of authorised and current MitCon policies.
- Use language that is age and stage appropriate: clear, non-bullying, non-confrontational, encouraging and non-sexual.

## 25 ITEM 1 – LEAVE APPLICATION FORM

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Please note applications for more than one week's annual leave must be submitted at least four weeks in advance and one week in advance for single days of annual leave. Leave forms for all other absences must be submitted immediately upon returning to work.

### LEAVE INFORMATION

Employee Name	
Department	
Manager	

### Type of Leave Requested:

- Annual leave       Personal (sick)       Personal (carer's)       Compassionate  
 Other

Dates of Leave:	From:	To:
No of Days:		

Reason for Leave:

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### MANAGER APPROVAL

- Approved       Rejected

Comments:

Managers Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### PAYROLL DEPT

Payroll updated week ending: \_\_\_\_\_ Date: \_\_\_\_\_

## 26 ACKNOWLEDGEMENT FORM

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I \_\_\_\_\_ (please print name) hereby acknowledge that I have read and received the Conservatorium's Employee Handbook.

Full name:

Signed:

Dated: