

australian school of performing arts

Duty of Care Policy

Duty of Care

Australian School of Performing Arts (ASPA) staff members have a legal duty to the ASPA students in their care. This duty of care requires ASPA staff to:

- take positive steps towards maintaining mental and physical health and safety
- protect ASPA students in their charge from risks of injury that are reasonably foreseeable
- adequately supervise ASPA students
- assist ASPA students who may be injured or ill

Standard of Care

ASPA staff members are held to a high standard of care in relation to ASPA students and to each other. The ASPA team's first duty is to the ASPA students in our care. This duty requires ASPA to take all reasonable steps to reduce risk including:

- provision of suitable and safe premises
- provision of an adequate system of supervision
- ensuring that medical assistance is provided to a sick or injured chorister or participant
- implementation of strategies to prevent bullying

Whilst each case regarding a Venue Manager, Tutor, Choreographer or Instructor's legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a staff member has *failed* to meet their legal duty of care responsibilities:

- leaving ASPA students unattended in the classroom
- inadequate supervision at a public engagement or special event
- ignoring dangerous play
- allowing ASPA students to leave a venue without a parent or guardian unless the ASPA Permission to Arrive and Depart Independently form has been submitted
- failing to act appropriately to protect a student who claims to be bullied
- believing that a child is being abused but failing to report the matter properly (See 'ASPA Child Protection Policy')
- physically or psychologically abusing a student

Negligent Advice

ASPA staff members are also cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Advice is to be limited to areas within the bounds of a Venue Manager, Tutor, Choreographer or Instructor's own professional competence and given in situations arising from a role specified for them by ASPA management. For example, 'counselling' choristers should be avoided. If ASPA staff members are concerned about a chorister or participant who has confided in them, they should contact their State Venue & Events Coordinator who will take relevant steps.

Supervision inside the classroom and during session times

AGC choristers are to be supervised in the classroom at all times. Participants in ASPA Education Holiday Programs receive the same level of supervision.

- It is unacceptable to leave participants unsupervised
- It is not appropriate to leave participants in the sole care of a Venue Manager Trainee or Tutor Trainee
- In an emergency situation contact the nearest Venue Manager or Tutor (if appropriate, send a pair of ASPA students for assistance)
- No student should be sent outside the classroom unsupervised
- Discretion is to be used when allowing ASPA students to visit the toilet during class time; depending on the location of the toilet, ASPA students should be escorted by the Venue Manager, a Trainee, or, by a fellow classmate.
- It is ASPA policy that no participant is to be alone with an ASPA staff member at any time; either other ASPA students, or a staff member, must be present during all interactions. When, in the case of an emergency, an ASPA student needs to be alone with an ASPA staff member, the ASPA Incident Report should reflect this.

Supervision outside the classroom and outside of session time

The ASPA staff duty of care is not confined to choir rehearsal, special event or Holiday Program session times. The duty also applies to situations both before and after sessions where staff members can be deemed to have assumed the teacher/pupil relationship.

The ASPA team will take reasonable steps to protect ASPA students from risk outside the classroom in the following ways:

- AGC choristers and ASPA Education Holiday Program participants are supervised by a Tutor, Venue Manager or Instructor at all times
- AGC choristers and ASPA Education Holiday Program participants will not be allowed to leave the venue without a parent/guardian collecting them **
- AGC choristers and ASPA Education Holiday Program participants are never left alone at a venue or public engagement; the Venue Manager will wait until late parents arrive
- ASPA will implement preventative measures where possible. For e.g. it may distribute a notice to parents in instances of infectious diseases like lice or chicken pox
- ASPA will follow up suspected instances of bullying with the participants and parents in question

** In accordance with Victorian Child Employment Legislation, Performing Choir, Camerata and Concert Level choristers, from 13 years of age, are eligible to arrive to and depart from AGC rehearsals, events and public engagements without adult supervision if their parent or guardian has signed the ASPA permission form. This form includes the stipulation that choristers aged 13 and 14 years may arrive and depart independently between the hours of 6am – 7pm only; they must be collected by a parent or guardian if the published finish time is after 7pm.

Forms are distributed at the start of each year to new girls in those levels and a signed form indicates perpetual permission from the parent or guardian for their daughter to arrive and depart on their own for the duration of their enrolment in the choir.

ASPA managers at weekly rehearsals, events and public engagements carry a list of choristers who have submitted a signed permission form. A signed note from a parent brought to a particular public engagement may also suffice as one-off authorisation. Parents can withdraw their perpetual permission at any time by contacting the office.

Public Engagements, Concerts and Special Events

ASPA recognises that involvement in events outside the weekly rehearsal venue incur different, and often greater, risks to student safety and health. ASPA students are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.

The ASPA team will take reasonable steps to protect ASPA students from risk while outside the weekly rehearsal venue in the following ways:

- Contact details for all participating AGC choristers are taken to each event, concert and public engagement
- Copies of Child Employment paperwork (NSW and VIC) are carried on staff at public engagements
- The ASPA emergency mobile will be carried by the Event Manager. If the ASPA emergency mobile isn't available, an alternative number will be provided.
- If the return or collection time from a public engagement is delayed, the Event Manager will, where possible, inform the parents.
- It is ASPA policy for chorister attendance rolls to be taken on and off transport and at other times on a regular basis if participating in AGC engagements that include transport
- If crossing roads ASPA students are to use designated crossing points. Staff will walk to the middle of the crossing to ensure visibility and orderly crossing. Other staff will control the flow of ASPA students across the road.

Social Interaction

ASPA staff must maintain professional teacher/student relationships with ASPA students at all times. This includes face to face, electronic or phone contact being entirely limited to classes and the activities for which they are employed.

Social functions

It is not appropriate for ASPA staff to socialise with ASPA students. Staff members should not accept invitations to ASPA students' social functions. This applies to organised social functions (birthday parties, break up parties etc) and to casual social events (coffee catch ups, movies). Where a prior social relationship exists between the ASPA staff member and ASPA participants' family, this rule does not apply but appropriate discretion is required.

ASPA staff must not offer or provide transport to ASPA students to or from ASPA rehearsals, events or public engagements.

Telephone

It is inappropriate for ASPA staff to communicate with an ASPA student by phone or text other than as required in the execution of their duties as a staff member.

Social Networking

ASPA's policy relating to social networking is covered in our Social Media Policy.

Parents' Access to ASPA students

Parents have a responsibility to provide ASPA with copies of any court orders that impact on the relationship between the family and ASPA. Further detail is required if the court order affects who can collect their child from rehearsals and events. ASPA families are informed of this, and asked for any legal documentation, as stipulated in the Terms of Enrolment, which are re-distributed with re-enrolment each year.

ASPA venue staff are made aware of these requirements and will make every effort to comply with the court order but will not endanger the welfare of any staff member or student. ASPA will adhere to the order until a new order is provided. It will be assumed that both parents and guardians will have access to pick up their child unless ASPA is notified in writing of limited access or child custody cases.

ASPA student medical information

ASPA collects general medical information about AGC choristers and ASPA Education Holiday Program participants, as part of the enrolment form, for use during normal ASPA activities including weekly classes, events, Concert Days and Holiday Programs. Additional up-to-date medical information is collected when AGC choristers participate in overnight activities including Performing Choir Music School, Tours and overnight engagements; a confidential medical information form must be completed by the parent/guardian of each participant in these cases. These forms provide the parent/guardian with the opportunity of varying any information given to ASPA annually for use during normal ASPA activity hours.

Health and Medical Matters

Many ASPA students have predetermined illnesses, including mental and physical health considerations. Some health matters, like asthma, anaphylaxis or epilepsy, require a Medical Action Plan (MAP) in case of emergency. Parents of ASPA students are required to submit a MAP, provided by their doctor, outlining their child's special needs if applicable. ASPA staff members have a responsibility to accommodate these medical needs where possible. Further detail is provided in our Health Care Policy.

Venue Safety Assessment and Plan

At the start of each year, a senior staff member visits each venue to conduct a Venue Safety Assessment. This comprises two sections – identifying any potential hazards or risks with the venue's facilities and highlighting those choristers who have MAPs and court orders as classified above. A Venue Safety Plan is also completed and available at every venue. This contains an evacuation map for the venue, which is displayed each week, as well as hospital and key staff member contact details.

First Aid

First Aid is exactly what its name implies – a first level of assistance administered to an injured or sick person before professional medical care is available. Young children with communication difficulties are sometimes unable or unwilling to describe the onset of illness or the nature of injury and pain. This means that AGC Venue Managers, Tutors, Choreographers and ASPA Education Instructors need to be observant and actively enquire about the wellbeing of participants as part of their standard first aid procedure.

First Aid support in education and childcare settings is the same as that provided to the wider community. It is provided in response to unpredictable illness or injury to:

- preserve life
- protect a person, particularly if the person is unconscious
- prevent a condition worsening
- promote recovery

First Aid incorporates basic life support. It comprises emergency procedures to:

- recognise and manage a clear and open airway
- restore breathing and/or circulation
- monitor wellbeing using techniques as described by approved first aid training providers, until the person is transferred to the care of an ambulance officer, nurse or doctor.

At ASPA the provision of first aid support looks like:

- Venue Managers and Event Managers ensure a safe environment for participants at all times
- Tutors and Instructors deliver curriculum that supports participant wellbeing
- A first aid kit is available at every venue
- Staff members provide basic first aid in the case of an injury or illness to a participant
- Staff members report incidents to parents and guardians
- Venue Managers and Event Managers provide State Venue & Events Coordinators with a completed ASPA Incident Report for any follow up action, and telephone them and CEO Nicole Muir in the case of an emergency

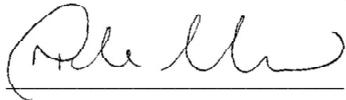
- All ASPA Venue Managers, Tutors and State Venue & Events Coordinators receive annual basic first aid training including asthma and anaphylaxis, at in-house Staff Training Days.
- A trained first aider is in attendance at AGC concerts and on AGC tours
- A trained nurse or paramedic attends AGC residential Music Schools

Further medical assistance should be sought if the staff members at the scene determine it is needed. Seeking medical assistance can involve calling for an ambulance. In a less urgent circumstance, it can mean informing the child's emergency contacts. Please see ASPA's Incident Action Plan for further detail.

Reporting Incidents

For record keeping purposes and follow up after an incident, it is important that details of accidents, injury or illness at venues, public engagements or special events are reported using ASPA's Incident Report Form.

The safety and wellbeing of all children in our care is our highest priority and our staff will do everything they can to act in the child's best interests in the case of an emergency, however our staff members are not trained first aiders and cannot personally guarantee each child's safety.



Nicole Muir
CEO

This policy will be regularly reviewed to take into account workplace and legislative change.
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