

**Family Violence Prevention Legal Services**

**Policy Manual**

**(September 2007)**

**Indigenous Law and Justice Branch**

**Attorney-General's Department**

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## 1. Organisational profile

Name: (name of organisation/program)

Auspicing organisation (if relevant): (name of auspicing organisation)

Street address: (number/street/suburb/State/postcode)

Postal address: (if different to above)

Telephone number/s: (Area code) (number)

Facsimile number/s: (Area code) (number)

E-mail address/es:

Web site:

Governing Committee: ^name – Chairperson^  
^name – Secretary^  
^name – Treasurer^  
^name – Committee member^  
^name – Committee member^

^Chief Executive Officer/other:^ ^name^

FVPLS Coordinator: ^name^

## 2. Governance and management

### 2.1 Responsibilities of the Governing Committee

#### 2.1.1 Overview and accountabilities

The Governing Committee is elected by the organisation's members in accordance with the organisation's Constitution and **^name of the Act under which the organisation is incorporated^**.

Members of the Governing Committee are the elected officials of the organisation and have the constitutional powers to run the organisation.

We are accountable, both as individuals and as an organisation, to:

- our clients
- members of our organisation
- our community
- our auspice body (where relevant), and
- our funding body.

We demonstrate our accountability by:

- observing and respecting sound governance within the organisation
- committing to the Code of Conduct
- developing clear policies and procedures for the operation of the organisation
- providing information about the organisation to ensure transparency, and
- acting in accordance with the law and the conditions of funding at all times.

#### 2.1.2 Planning

The Governing Committee is responsible for setting the vision and objectives of the organisation. Strategic and operational planning documents will be developed with **^management and/or the coordinator^** in conjunction with the organisation's employees.

#### 2.1.3 Financial management

The Governing Committee is responsible for the financial management practices of the organisation and may issue delegations to staff to carry out the organisation's business.

Key responsibilities:

- Ensuring proper systems, processes and controls for receipts and expenditure are in place.
- Reporting; under incorporation and to funding agencies.
- Appointment of auditor.

- Budgeting.
- Ensuring taxation and superannuation requirements are met.

## **2.2 Communication**

### **2.2.1 Overview**

Communication between employees, management and directors should follow the organisation's management structure. It is not appropriate for employees or directors to discuss organisational matters outside of this structure. Should an employee have a grievance with their supervisor then they may approach another manager or director in accordance with the Grievance policy.

### **2.2.2 Public relations**

Public comment, media releases, all written information for public release (submissions, letters, flyers, brochures, posters etc) and interviews by employees must be authorised by the Governing Committee or the coordinator as appropriate and all media requests must be referred to the coordinator.

No public comment should be made about client matters or the personal matters of any employee or director.

## **2.3 Employees**

### **2.3.1 FVPLS coordinator**

The organisation will employ a coordinator for the FVPLS unit, which will be separate and independent from the position of solicitor.

The coordinator is responsible for the day-to-day management of the FVPLS unit, including managing staff and workload, community promotion planning, reporting and operational planning and may also work in community promotion and counselling and as a paralegal.

### **2.3.2 FVPLS sexual assault worker**

The organisation will employ, in a part-time (minimum 20 hours per week) or a full-time capacity, an appropriately trained sexual assault worker or counsellor for the FVPLS unit to undertake work related to therapeutic interventions, sexual assault counselling, training and education..

### **2.3.3 FVPLS solicitor**

The organisation will employ two full-time, appropriately qualified, solicitors who hold a current practising certificate: one principal and one junior, whose primary duties will include client casework, client advice, court representation and education.

They are responsible for all legal advice and legal assistance and will be independent and separate from the position of coordinator.

### 3. Organisational policies

#### 3.1 Accessibility and cultural sensitivity

This organisation is actively committed to providing effective legal, counselling and support services for Aboriginal and Torres Strait Islander people. All clients and members of the Aboriginal and Torres Strait Islander community will be treated with respect by all employees and directors of the organisation.

All policies, procedures, training and recruitment will reflect the organisation's commitment to provide an accessible and culturally sensitive service. This will include helping, where possible, to address any barriers to accessing services, such as language, remoteness and cultural background.

Clients will be asked to provide feedback on the organisation and its employees and directors on their provision of accessible and culturally sensitive services.

#### 3.2 Attending community meetings

Unless directed by the Governing Committee, the coordinator is responsible for determining attendance at the appropriate community and stakeholder meetings needed to fulfil strategic and operational objectives and any funding obligations.

Employees will attend any meeting on behalf of the organisation as directed by the coordinator. Any meeting which is not directly relate to the organisation's work (for example, personal interest lectures) should be attended in the employee's own time.

#### 3.3 Case reviews

Case reviews are an important part of the organisation's ongoing quality assurance processes and will be conducted for all active clients <sup>^every six/12 months^</sup> to ensure the best possible service is being provided to them and to identify areas where more support or assistance can be given. The review must include any client feedback received, with follow-up where necessary.

Case reviews should be arranged by the relevant employee (solicitor or sexual assault worker) and the coordinator. The organisation recognises that while case reviews should be considered as part of staff development and training and support staff in their work by providing guidance, participation by other staff is at the discretion of the solicitor/sexual assault worker.

#### 3.4 Children in the workplace

An employee's children may only accompany their parent to work in exceptional circumstances and, where possible, the coordinator should be advised in advance.

#### 3.5 Confidentiality

##### 3.5.1 Overview

All employees and Directors are required to sign the Declaration of Confidentiality when they begin their term of employment with **^name of organisation^**.

Confidential information is:

- personal details, names, addresses, phone numbers, case instructions, medical details
- anything not known or available to the public at large
- commercially or procedurally sensitive (eg termination of employment, negotiations to engage a contractor), or
- classified as confidential by a decision made at a directors' meeting.

Our client files are the property of the client and are held by our organisation on their behalf. They contain confidential information and documentation relating to our clients and may not be released to any person, agency or group, other than the client or employees of the organisation or the Attorney-General's Department, without the express permission of the client, or where required by law.e

An employee or director must not misuse information gained in an official capacity and client confidentiality must be upheld both during and after the course of a director's term or an employee's period of employment. Breach of client confidentiality is a violation of an employee's conditions of employment and may result in termination of employment or removal from the Governing Committee.

### **3.5.2 Client confidentiality protocols**

#### *3.5.2.1 Storing client information*

All client files and other confidential information must be kept in a secure, locked cabinet. Files and notes should not be left on top of your desk or anywhere open to view. Any confidential information kept on a computer must be treated like hard copy files and must be password protected.

Files may only be removed from the organisation's premises with the prior approval of the **^position giving approval^** and after the client's authority to release information has been signed.

#### *3.5.2.2 Authority to release information*

If information is required from another agency while the organisation is providing assistance to a client, the client must sign an Authority to Release Information form.

If the organisation ceases to provide assistance to a client, the client may obtain his/her client information and documentation after signing a Request and Authority to Transfer Client Information. The organisation reserves the right to retain copies of any client information.

#### *3.5.2.3 Risk of harm*

Where the organisation makes a professional assessment that a client may engage in self harm or harm to another individual, the organisation may make a report to an external agency.

#### 3.5.2.4 Children

Where the organisation is providing assistance to a child of a client or a child as a primary client, the client information is confidential. However, all employees must comply with <sup>^insert your State or Territory^</sup> mandatory reporting legislation to protect children.

### 3.6 Conflicts of interest

#### 3.6.1 General information about conflicts of interest

A conflict of interest occurs when an individual is in a position to gain some benefit (either for themselves, the family or a friend) while acting in their professional or official capacity. Even where there is no evidence of improper action, a perceived conflict of interest can compromise the integrity and reputation of the organisation.

#### 3.6.2 Handling conflicts of interest

Conflicts of interest can arise unintentionally. However, where possible, they should be avoided.

All employees and directors must declare any actual or potential conflict of interest. Where an employee or director thinks they may have a conflict of interest, they should notify the <sup>^Chairperson or other committee member^</sup> immediately. A decision should then be made by them, excluding the employee or Director involved, as to whether that person should be removed from participating in the situation.

#### 3.6.3 Accepting gifts or benefits

While small gifts may be received in the course of their employment, all employees and directors should declare any gift, offer or suggestion to the <sup>^nominated position^</sup> immediately. The <sup>^nominated position^</sup> will then decide whether or not the gift will be kept by the organisation or the employee.

#### 3.6.4 Conflict of interest in professional practice

This organisation will maintain procedures to identify and manage any conflict of interest that may arise to uphold relevant legal, professional and ethical requirements. Clients must be made aware of these procedures for identifying and managing conflicts of interest.

### 3.7 Client complaints policy

The organisation welcomes feedback from clients and the community about the performance of the organisation in delivering its services. Feedback enables the quality of the services provided to be improved. Any complaints made will be taken seriously and handled fairly, transparently and promptly.

Employees are required to be familiar with the organisation's complaints process and be able to advise clients accordingly.

### **3.7.1 Appeals process**

Any client or community member who disagrees with the outcome of a complaints process is entitled to appeal the decision. Details of the appeal process will be provided to all complainants at the time a complaint is finalised.

Employees or directors reviewing a decision under appeal must not have been involved in the original review. All steps in the appeal process, including the issues in contention, the decision process and the final advice to the applicant, must be fully documented.

## **3.8 Client feedback**

The organisation is committed to continuous improvement in the quality of service delivery and, through the client satisfaction survey, every client will be given the opportunity to provide feedback to the organisation on the services they receive.

Clients may either complete the survey while in the office or complete it at home and return it to the office later.

The coordinator is responsible for complying with the reporting requirements relating to the client satisfaction survey under the FVPLS funding and Operational Framework and for collating, analysing and reporting on the feedback received.

## **3.9 Hours of operation**

### **3.9.1 Display of operating hours**

The organisation will display its operating hours in a public place at the front of the premises and employees are responsible for ensuring the organisation remains open as indicated.

### **3.9.2 Out of hours messaging**

The organisation will maintain an answering machine outside operating hours to provide operating times and options for out-of-hours client assistance and as a backup for overflow calls.

## **3.10 Keys, combinations and building security**

All keys and combinations for the organisation (including computer passwords) remain the property of the organisation. Employees will have access to the keys and passwords necessary for them to perform their duties but must surrender them to the coordinator when they cease employment.

The coordinator is responsible for recording the details of those who have keys.

## **3.11 Mail**

Mail will be collected daily and both incoming and outgoing mail must be recorded in the Mail Register. Incoming mail must also be stamped with the date of receipt. It should be treated as confidential, directed to the intended recipient as soon as practicable and must not be left unattended in areas of the office to which clients and the public have access.

### **3.12 No smoking**

Smoking is prohibited in all offices, buildings and motor vehicles owned or leased by the organisation.

### **3.13 Referring clients**

Employees must arrange referral to the most appropriate alternative service provider where the organisation is unable to provide a service to a client or a member of the community. Employees must refer clients when a:

- person is not eligible for services under the FVPLS Operational Framework, ie non-Indigenous people
- unit does not offer the service required by the client or community member, ie legal defence assistance, and
- conflict of interest exists with another client of the organisation.

The decision to refer a client or community member must be made by the <sup>^</sup>coordinator or other<sup>^</sup> in consultation with the relevant employee, ie a solicitor or counsellor. The coordinator must ensure that an up-to-date list of local referral services is maintained and that it includes Indigenous legal aid, legal aid commissions, community legal centres and all relevant private practice organisations.

In making the decision to refer a client or community member on, the <sup>^</sup>coordinator<sup>^</sup> must provide:

- at least two options, where multiple options exist, and
- information about the organisation the client or community member is being referred to, ie pamphlets or brochures.

### **3.14 Statistical information**

Statistical information about the people who use the services of the organisation is required for performance reporting to funding bodies and for planning within the organisation.

Employees are responsible for accurately collecting and maintaining this information.

### **3.15 Using official resources, facilities and equipment**

Employees and directors should use official resources only for the purpose of their employment or their membership of the Governing Committee. Misuse of official resources can amount to misconduct or be a criminal offence.

Official resources include anything that is owned or paid for by the organisation.

### **3.15.1 Telephones**

Desk and mobile phones are provided to employees for work purposes only. The organisation accepts there will be occasions when employees need to use work phones for private purposes but this must be restricted to 'reasonable use', ie making a personal telephone call to arrange a medical appointment.

### **3.15.2 E-mail and internet**

E-mail and internet services are intended to primarily support the business activities of the organisation. Use of these facilities must be legal and not pose a security risk. Reasonable personal use may include a limited number of e-mails and some internet usage. Reasonable use, as discussed above, applies.

### **3.15.3 Use of motor vehicles**

The organisation provides motor vehicles to assist employees in the delivery of services. Specifically, motor vehicles provided under Family Violence Prevention Legal Services funding must not be used for private purposes.

Where a motor vehicle is purchased or leased using government funding the organisation must manage the motor vehicles in accordance with the funding agreement. All employees must support the organisation in meeting those requirements.

The organisation will provide a log book for each vehicle and employees must update it after each journey, noting the date, time, purpose, destination and distance covered for each journey.

Fuel for motor vehicles must be purchased from an authorised reseller and repairs and maintenance must only be carried out by an approved motor mechanic. Vehicles must be garaged at <sup>^insert</sup> location<sup>^</sup>.

#### *3.15.3.1 Accidents*

Employees involved in an accident while at work, whether driving a work motor vehicle or a private motor vehicle, must:

- notify police immediately, if required by law
- notify the coordinator immediately
- provide a written report to the organisation with details of the accident, including time, location, description of damage, names of those involved, motor vehicle and license details of the other parties involved and the details of attending police, and
- complete all insurance requirements.

The organisation does not accept liability, financial or otherwise, for any loss incurred by the use of a private motor vehicle by an employee.

#### *3.15.3.2 Infringement notices*

An employee who receives a traffic infringement notice while using a work motor vehicle must:

- pay the penalty imposed (including a deduction of licence points), and
- provide written confirmation of payment to the coordinator.

The Governing Committee may also take disciplinary action against employees who disobey traffic laws.

### **3.16 Standard of dress**

Employees should wear a uniform where available and must dress neatly and appropriately at all times in the workplace or when representing the organisation.

## 4. Financial policies

### 4.1 Financial management

The Governing Committee is responsible for the financial management of the organisation and its compliance with all funding agreements but may delegate responsibility for financial operations to employees in accordance with the Constitution.

#### 4.1.1 Delegations

Employees must not undertake activities or incur expenditure which is outside their delegated authority. All Delegations will be recorded in the minutes of the Governing Committee and reviewed periodically to ensure the organisation achieves its operational and accountability targets.

### 4.2 Petty cash

The coordinator is responsible for the security and management of petty cash which must be kept in a secure facility such as a lockable cash box and the cash box kept in a lockable filing cabinet. It will be provided for the purchase of small, work related items, but must not be used for personal use, even on a temporary loan basis.

All petty cash transactions must be recorded in a Petty Cash book and all receipts for all purchases must be given to the coordinator.

### 4.3 Purchasing procedure

Employees must complete a purchase order for all proposed expenditure, except where payment is made with petty cash, and purchase orders must be approved prior to incurring an expenditure in accordance with delegations.

Employees delegated to approve purchase orders must ensure the proposed expenditure is in accordance with the funding agreement.

### 4.4 Travel

#### 4.4.1 Approval

All travel must be approved by <sup>^insert position of approver^</sup> before any travel bookings are made.

#### 4.4.2 Accommodation

Employees should book and pay for accommodation prior to departure to avoid accommodation having to be included in their travel allowance.

No accommodation allowance will be paid where an employee who travels for work purposes chooses to stay with friends or relatives.

#### **4.4.3 Travel allowance**

Employees and members of the Governing Committee who travel in the course of their employment or for participation in the Governing Committee may be entitled to a travel allowance.

The amount of the allowance must be set at a level equivalent to those posted by the Department of Workplace Relations (DEWR) or the Australian Taxation Office (ATO). The travel allowance includes an amount for meals and minor disbursements (other than those already provided for as part of an accommodation package or by a conference provider).

If an employee or member of the Governing Committee does not undertake the travel for which an allowance has already been paid, they must reimburse the organisation for the amount.

#### **4.4.4 Use of private vehicle**

Where an employee or member of the Governing Committee uses a private motor vehicle or private funds to purchase travel tickets for an approved travel purpose, the organisation will provide reimbursement, subject to these conditions:

- presentation of original receipts (not photocopies), and
- evidence of approval for the travel from the coordinator or manager.

Where a private motor vehicle is used for work purposes, the following information must be provided to the organisation prior to travel:

- registration details and registration number
- licence details (full name, licence number) and
- a copy of the current certificate of motor vehicle insurance.

## 5. Employment

### 5.1 Overview

Employment decisions must not be made without the involvement of the Governing Committee <sup>^or management^</sup>. The Governing Committee, in consultation with the <sup>^coordinator or other^</sup>, is responsible for the recruitment and engagement of employees and any decisions regarding higher duties.

The organisation undertakes to run all recruitment and employment processes openly and transparently.

### 5.2 Code of Conduct

The Code of Conduct requires that all employees and directors demonstrate a high standard of behaviour at all times and all employees and directors are required to sign it when they begin their employment or term of appointment with <sup>^name of organisation^</sup>.

The Code of Conduct aims to ensure that the:

- highest standard of professional judgement is exercised
- waste of resources is avoided
- organisation is represented in a positive way at all times, and
- organisation's business is conducted in a professional and ethical manner.

### 5.3 Conditions of employment

#### 5.3.1 Terms of employment

Employees are employed under the Award(s) listed below which covers all basic conditions of employment including wages, leave entitlements (annual leave, sick leave etc), allowances, overtime and performance evaluations. Awards are binding on employers and employees alike.

- <sup>^name of Award^</sup>

### 5.4 Disciplinary action

An employee may be counselled or face disciplinary action if their behaviour has a negative impact, either directly or indirectly, on their work performance, places a client, other employee or self at risk, or is contrary to the organisation's values and standards of professionalism and integrity.

For details of the legal obligations in relation to disciplinary procedures, refer to the relevant Award.

### 5.5 Dispute resolution

The organisation aims to handle disputes as simply and as directly as possible.

For details of their obligations in relation to dispute resolution with the organisation, employees may refer to the relevant Award. Disputes will be handled in accordance with the provisions of the Award. The guidelines are intended for employee use only. Incidents involving clients must be dealt with under a separate process (refer 3.7 Complaints Process).

## **5.6 Employee wellbeing**

The organisation commits to the welfare, health and safety of its employees by maintaining a work environment that promotes physical and emotional well-being. Where there are personal, family or community issues in an employee's life which directly, or indirectly, affect his/her work performance, every effort will be made by the organisation to assist employees, which could include providing appropriate counselling and related support.

## **5.7 Anti-discrimination and equal employment opportunity**

The organisation respects and values the diversity of their employees and will prevent discrimination on the basis of gender, age, language, ethnicity, cultural background, sexual orientation, religious beliefs, family responsibilities or physical or mental disability.

Diversity can also refer to other ways in which people are different, such as educational level, life experience, work experience, socio-economic background, personality and marital status.

Persons applying for positions within the organisation will be considered only on the skills, abilities, experience and knowledge required for the position.

The organisation is committed to the development and implementation of policies and practices in employment in accordance with federal and State anti-discrimination legislation.

## **5.8 Performance management and employees' increments**

All employees will receive an annual/half yearly performance review which is used to identify:

- current performance: an employee's performance will be assessed against job requirements
- incremental progression: in accordance with the Award
- current training needs, and
- career development.

## **5.9 Professional training, development and supervision**

The organisation will support employees with professional development, education and training activities that are relevant to an employee's position and of benefit to the organisation.

Such support may include:

- attendance at workshops, seminars, conferences and cultural awareness training, and

- flexible hours of employment to facilitate participation in an accredited course of study, either part-time or externally, at an accredited institution.

Participation in any professional development, education or training activity is subject to approval by the coordinator.

Annual refresher training on the topics listed under ‘5.9.2 Induction Training’ will be conducted for all employees.

### **5.9.1 Employees’ supervision**

The organisation recognises that supervision provides support and encouragement in relation to professional practice and therefore impacts on professional and personal growth. The organisation will provide supervision to all employees.

### **5.9.2 Induction training**

On induction each new employee will receive training on the policies and procedures of the organisation. This training will also cover the provision of legal and counselling services, cultural sensitivity and accessibility, cooperation and effective relationships and the client complaints policy.

Training will be delivered by the most appropriate team member or, in regard to cultural issues, a local elder may be asked to come and speak with employees.

## **5.10 Recruitment**

All recruitment will be fair and impartial. The person selected to fill any position must demonstrate the necessary expertise and ability to perform their duties.

A selection panel will be convened for each recruitment process, which will consist of three members, <sup>^one Governing Committee member, the relevant unit’s coordinator and one external member^</sup>.

Documentation relating to the successful applicant must be retained for the employee’s personnel file and forwarded to <sup>^Human Resources or the administration officer^</sup> for preparation of an employment offer.

The organisation will notify all applicants of the outcome of the recruitment process within <sup>^one month^</sup> of its completion.

### **5.10.1 Personnel files**

A confidential personnel file containing any information concerning their employment must be maintained for each employee. Personnel files should be kept in a secure location and be accessible only to employees with direct responsibilities in personnel and human relations.

An employee may have access to their personnel file at any time.

### **5.10.3 Exit policy**

An employee ceasing employment will be:

- required to return all organisational property, including keys, combinations, files and equipment
- provided with a letter of separation, and
- offered an exit interview. (Employees are not obliged to accept an exit interview.)

Payment of all entitlements will be arranged in a timely manner.

## 6. Workplace health and safety

### 6.1 Critical incidents and debriefing

The organisation recognises that an employee may experience a traumatic event or critical incident in the workplace which is outside the realm of routine experience. An employee who experiences such trauma may need support from a professional organisation. Debriefing should be carried out as soon as possible after the event.

Because debriefing is considered beneficial for both the employee and the organisation the organisation will ensure that all employees have access to debriefing as required, in the course of their everyday work, and employees are encouraged to attend where necessary.

Group sessions may sometimes be held.

### 6.2 Duty of care

The organisation will endeavour to provide a workplace that is safe and healthy for all employees in accordance with State and federal legislation. Employees are required to help the organisation meet these responsibilities.

Organisational responsibilities:

- Ensure the way work is performed is safe and does not affect employees' health.
- Ensure equipment and machinery is safe and kept maintained.
- Ensure that ways of storing, transporting or working with dangerous materials ('substances') is safe and does not damage employees' health.
- Provide employees with the information, instruction and training they need to do their job safely and without damaging their health.
- Consult with employees directly, or through their health and safety representatives, about health and safety in the workplace.
- Check the workplace regularly ('monitor') and keep a record of what is found during these checks.

Employee responsibilities:

- Follow instructions and rules in the workplace — instructions are designed to ensure that work is carried out safely.
- Work and behave in ways that are safe — do not endanger the health and safety of anyone in the workplace.

### 6.3 First aid and emergency

Telephone numbers for emergency service providers (ie ambulance, police and hospital facilities) must be accessible at all times .

The organisation will ensure that first aid kits are available in the workplace and in each workplace motor vehicle.

## **6.4 Home visits**

The organisation does not encourage home visits so employees should endeavour to see all clients in the workplace. When it is necessary to visit a client in their home the following policies apply:

- two employees must attend for safety and support reasons
- employees should contact the office on arrival if the situation is safe, and
- Issues to consider when arranging a visit to a client in their home are:
  - whether an employee will be at risk of injury, and
  - whether there is a risk of a perpetrator being present.

## **6.5 Infectious and communicable diseases**

An employee must not attend work during the period covered by a doctor's certificate. As part of its obligation to provide a safe and healthy work environment the organisation is committed to preventing or minimising infectious diseases within the workplace.

An employee contracting an infectious disease should not be disadvantaged with respect to their employment at the organisation, so confidentiality in relation to any medical records, including counselling, in relation to a work colleague, is to be maintained.

An employee is not obliged to reveal his/her status to the organisation.

## **6.6 Professional indemnity insurance**

The organisation will hold Professional Indemnity Insurance to cover all employees in the conduct of their duties.

## **6.7 Workplace bullying and harassment**

The organisation will not tolerate any form of harassment, intimidation or violence between employees. An employee who is the subject of any form of harassment by another employee can report the incident at any time to the coordinator.

In the event that the complaint relates to the coordinator the employee may inform the Governing Committee.

## **6.8 Workplace injury**

All employees of the organisation are covered under the organisation's Workers Compensation Insurance for accidents at work.

An employee who is injured at work must provide a report as soon as possible to the <sup>^</sup>coordinator or nominated position<sup>^</sup>.

## **6.9 Workplace violence**

The organisation is committed to ensuring that the work environment is free from violence.

To minimise the incidence of workplace violence the organisation will undertake hazard identification, risk management and risk reduction.