



Hartwig Air Policy

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Duty of Care Policy

PURPOSE

The purpose of this policy is to clarify for all stakeholders the scope of Duty Care that Hartwig Air is legally and morally obliged to adhere to.

SCOPE

This policy covers all students, employees, contractors, and other RTOs engaged in services for Hartwig Air. DEFINITION OF "DUTY OF CARE".

'Duty of care' is a duty imposed by law to ensure that care is taken to minimise the risk of harm to others.

Duty of Care is a legal responsibility under common law. It comprises a group of legal principles and legislations that have been established over time by the courts. When minors are involved, the duty of care principle becomes the focus of Hartwig Air policies and procedures.

POLICY

It is the policy of Hartwig Air to ensure the safety and well-being of all stakeholders and in particular of minors.

It is the policy of Hartwig Air not to enroll students less than 18 years of age.

PROCEDURE

All Staff have a duty to take such measures as are reasonable in all the circumstances to protect students from risks of harm that reasonably ought to be foreseen. This means protection from known hazards from harm that could reasonably be expected to have been foreseen and preventative measures taken.

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RTO NUMBER 4439 CRICOS NUMBER 02845E ABN 87 132 770 480



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Staff need to exercise professional judgement to achieve a balance between ensuring that students do not face an unreasonable risk of harm and encouraging students' independence and maximising vocational learning opportunities.

The CEO and Chief Flying Instructor are responsible for ensuring that all programs are risk managed for factors that may impact on either or both students and staff.

Individual Training Plans for students will have considered risk management issues such as;

- Access and equity;
- Attendance and Academic Progress required levels;
- environment;
- capabilities of the supervisory team;
- students' physical capacity in relation to activities;
- the management of student injury and illness;
- harassment and sexual harassment;
- student behavioral management strategies;
- communication strategies before, during, and after emergencies;
- transport arrangements between school and college;
- involvement of external providers;
- excursions; and
- insurance.

INSURANCES

Hartwig Air holds Public Liability Insurance as required by law.

Hartwig Air does not hold personal accident for students whether whilst attending face to face training or whilst on work placement.

It is the responsibility of the student to arrange Personal Accident insurance and/or Private Health Cover.

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STUDENT HEALTH INFORMATION

Hartwig Air will seek to obtain information about a student's health if it impacts the student's ability to safely complete their program.

Relevant information only will be provided to all staff who have responsibility for the care of student to ensure that any activities align with the needs of the student.

Hartwig Air staff are not medically qualified and therefore will not administer medications to students. If a student requires medication it is the responsibility of the student to make appropriate arrangements for the administering/dispensing of medications.

It is the responsibility of the student to inform Hartwig Air:

- Of any medical conditions(s) that may impact on their ability to safely complete training and of the management needs of that condition;
- If they have any concerns their health needs;
- Inform Hartwig Air if their medical information changes during the course of their training.

INDUCTION

Relevant information about respective responsibilities and obligations is to be communicated to students and relevant staff. Topics that must be included, but not limited to, in an induction are:

- Appeals and Complaints processes;
- Attendance and Academic Progress required levels;
- Emergency procedures, including accidents and class cancellations;
- Methods of communication, including notification of absences;
- Methods of travel related to excursions;
- Protective behaviour including how to deal with sexual or other harassment, discrimination and bullying;
- Health care information;
- Occupational safety and health, including emergency procedures and the appropriate use of any equipment;
- The roles of staff;
- The rights and responsibilities of students, including standards of acceptable behaviour.

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ILLNESS, ACCIDENT, EMERGENCY

In the event of a student becoming ill, being involved in accident or emergency:

- The student's emergency contact is to be advised immediately;
- Ambulance is to be called if required and the student will not be transported to medical assistance via a staff member, other student or other person's private vehicle;
- Only staff members who hold current first aid qualifications will be permitted to administer first aid;
- Contact safety manager
- Relevant accident/incident reports to be completed as a matter of priority.

Whilst a number of Hartwig Air employees and sub-contractors are required to maintain First Aid qualifications there can be no expectation that these people will have advanced medical knowledge and therefore will be limited in their delivery of assistance and will not dispense medications of any kind in any form.

No responsibility or liability is accepted by or on behalf of Hartwig Air or its employees, volunteers or representatives in regard to any assistance that may be provided to a student for illness, accident or emergency.

No responsibility or liability is accepted by or on behalf of Hartwig Air or its employees, volunteers or representatives in regards to any degree of exacerbation of a preexisting illness or injury or incapacity or disability declared or undeclared either due to or in the progress of any course or qualification or associated activity undertaken by the student during the normal progress of their studies.

RESPONSIBILITY

Student

It is the responsibility of the student to ensure that:

- relevant health information is provided to Hartwig Air to ensure that the student's safety and wellbeing can be maximised during the course of their study;
- suitable arrangements are in place for the dispensing of required medications to the student;
- the student is covered by Personal Injury and Accident Insurance during the course of their study and in particular during the periods where the student is undertaking flight training.

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Any student found to have:

- Placed themselves or others in a position of risk;
- Not advised Hartwig Air of a preexisting illness, injury, or incapacity or disability and have undertaken an activity that is known or suspected to exacerbate that condition

Will be summarily expelled from the training course or qualification.

It is the responsibility of Hartwig Air to ensure that all employees and contractors and other representatives dealing directly with minor students have current Police Clearances and to implement reasonable processes to ensure the safety and wellbeing of all students, employees and stakeholders.

Employees

It is the responsibility of all individuals and entities providing services on behalf of Hartwig Air in regard to training to ensure that they do not:

- Place themselves or others in a position of liability or risk;
- Maintain current professional development and police clearances as required under legislation;
- Report all instances of safety or wellbeing risk to the CEO immediately and where the risk is of an imminent nature take reasonable action to mitigate that risk including the removal of all people from the area where the risk is present.

Any Hartwig Air employee or representative found to have:

- Administered medications to a student;
- Provided transport for emergency or any other reason to a student using either their personal vehicle, the student's vehicle or a third-party vehicle other than public transport, taxi or emergency services vehicles;
- Or in any other manner has placed themselves or others in a position of liability or risk or has placed the student in a position of risk;

the employee or representative will be summarily dismissed.

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Sub contracted Provider/Partner/Auspiced/Auspicing RTO

When an external provider is contracted to provide all, or a portion of a program Hartwig Air will ensure and have documented in a Memorandum of Understanding that the external provider:

- Is competent;
- Has a compliant criminal screening check process;
- Has the appropriate level of public liability insurance;
and
- Indemnities, disclaimers or other documents are not signed which absolve agencies or companies from liability for their own negligent acts or omissions.

APPEAL

All persons and/or entities covered by this policy have a right to access the Hartwig Air Appeal Process or Complaint Process if they believe they have been treated unfairly or in error.

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