

Duty of Care - Information for Employers

School Based Apprenticeships & Traineeships

Student Name: _____ Date: _____

Apprenticeship/Traineeship Qualification: _____

School's Duty of Care

The Department of Education is keen for employers to take on school based apprentices and trainees (SBATs) and will provide ongoing support to those who choose to do so. We acknowledge the outstanding support from employers that has made Public Schools NSW - Tamworth RTO 90162 a state leader in this program.

In order to approve a student's participation in a school based apprenticeship or traineeship the school principal must be satisfied that the proposed arrangement is in the young person's best educational and career interests and that the young person's welfare and safety will be properly addressed in the workplace and in the vocational training course.

This statement is issued to ensure that the prospective employer is reminded of their legal obligations regarding the safety and welfare of employees - especially young employees – and to seek your sign off against some criteria that will allow the principal to be satisfied that your workplace is an appropriate workplace for a school based apprentice or trainee.

Please email or deliver the completed form to the school SBAT coordinator, listed below, so that the proposed SBAT can be speedily progressed. Questions regarding this duty of care statement can be addressed to the School SBAT Coordinator.

| | | |
|---|-----------------|---|
| School SBAT Coordinator: | | |
| Senior Pathways Adviser: Darren Fromson | T: 02 4904 3959 | E: darren.fromson@det.nsw.edu.au |

Employer's Duty of Care

Taking age into account

The transition from school to work is not easy, and for someone starting their first job it is a steep learning curve. No matter how committed and keen to learn, young people may need more guidance and support than mature aged employees – especially in the early stages.

The basics

- ❖ Apprentices and trainees and their employers have obligations that are set out in the Apprenticeship and Traineeship Act and formalised through a training contract. Further information is at www.training.nsw.gov.au Additional information on school based apprenticeships & traineeships is at www.sbatinnsw.info
- ❖ Employers should be aware of their legal obligations under industrial, child protection and occupational health and safety legislation.

Training

- ❖ Apprentices/trainees learn new work skills both on-the-job training in the workplace and through formal training delivered and assessed by a Registered Training Organisation (RTO).
- ❖ Employers agree to work with the training organisation to ensure that the apprentice/trainee has every opportunity to learn the full range of skills required for the trade/occupation.
- ❖ Your preferred Australian Apprenticeship Support Network (Apprenticeship Network Provider) can assist you in registering an employee as an apprentice or trainee. Please visit www.australianapprenticeships.gov.au for further information and to search for an Apprenticeship Network provider in your local area.

Employee welfare and safety

- ❖ As the legal employer it is your responsibility to ensure that young people are not subject to bullying, victimisation, harassment or discrimination in the workplace. What may be intended as a prank or practical joke can have a devastating effect on a young, immature or insecure worker. Explain to the rest of your staff what you expect of them.
- ❖ Employers should also consider whether there is anyone in the workplace whose background makes them unsuitable to be in close contact with young workers. See www.acyp.nsw.gov.au for information on your obligations as an employer, or call the NSW Office of the Childrens Guardian on 02 9286 7219.
- ❖ For general information on workplace safety and workers compensation matters visit www.workcover.nsw.gov.au or contact SafeWork NSW at 13 10 50 or email contact@safework.nsw.gov.au

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Employee supervision and induction

- ❖ Employers need to provide a suitably skilled and experienced mentor to supervise the young person in the workplace and ensure their welfare.
- ❖ Employers should provide a formal induction that gives the young apprentice/trainee information about:
 - the job, roles and responsibilities, staff structure and reporting requirements; and
 - Work Health and Safety (WH&S) requirements – particularly equipment and machinery, safe working practices, emergency procedures and personal protective equipment. Bear in mind that even the most basic safety precautions might need to be pointed out to a first time worker.

Industrial relations information

- ❖ From 01 January 2010 all private sector employers are covered by the national industrial relations system. For information about wages and conditions please go to www.fairwork.gov.au or call 13 13 94.

Support from Training Services NSW (TSNSW)

Training Services NSW is the regulatory authority within the Department of Industry, Skills and Regional Development that administers apprenticeships and traineeships in NSW. Training Services NSW officers can provide information and assistance on issues relating to established apprenticeships or traineeships. Visit www.training.nsw.gov.au or telephone 13 28 11. The following Training Services NSW publications are also available online at that site:

- **A Complete Guide to Apprenticeships and Traineeships in NSW**
www.training.nsw.gov.au/forms_documents/apprenticeships_traineeships/fullguide.pdf
- **Supervising Your Apprentice or Trainee**
www.training.nsw.gov.au/forms_documents/apprenticeships_traineeships/supervising_your_apprentice_trainee.pdf

Employer acknowledgement on duty of care matters

Please read items below, **check boxes (☑)** to indicate that your business satisfies the criteria and sign this statement. Completed statements to be emailed to the school SBAT Coordinator (contact details on Page 1).

| Yes | No | Statement |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | I have been provided with information on my duty of care in this document, including links to further information & advice; |
| <input type="checkbox"/> | <input type="checkbox"/> | I understand my obligations under legislation as outlined in this document; |
| <input type="checkbox"/> | <input type="checkbox"/> | I understand my special responsibilities associated with working with children and young people as outlined in this document, including informing my employees of their responsibilities in relation to working with children & young people; |
| <input type="checkbox"/> | <input type="checkbox"/> | I am not aware of anything in the background of any staff member or other person who will work closely with the school based apprentice or trainee that would make them an unsuitable person to work with children and young people; |
| <input type="checkbox"/> | <input type="checkbox"/> | I will provide a workplace that complies with work health and safety requirements and is free from harassment and discrimination; |
| <input type="checkbox"/> | <input type="checkbox"/> | I will conduct a work induction for the apprentice/trainee that includes at least all items detailed in this document; |
| <input type="checkbox"/> | <input type="checkbox"/> | I have allocated a suitably skilled and experienced member of my staff to mentor and supervise this apprentice/trainee; |
| <input type="checkbox"/> | <input type="checkbox"/> | I hold (and will continue to hold) the appropriate property, public liability and workers compensation insurance coverage to cover the apprentice/trainee for the duration of their apprenticeship/traineeship; |
| <input type="checkbox"/> | <input type="checkbox"/> | I am aware that if the young person I am to employ has been identified as having a particular need in relation to their participation in the workplace, there may be a need to make appropriate adjustments in the workplace to assist the worker to complete their duties and to minimise any potential risks for this employee or other employees. |

Legal Name of Employer: _____ ABN: _____

Trading Name of Business: _____

Name of person signing acknowledgement: _____

Position in Business: _____

Sign: _____ Date: _____

School Principal acknowledgement on duty of care matters

On the evidence provided above, and with knowledge of the employer's history in workplace learning and training, establishment of this SBAT arrangement is endorsed to proceed.

School Principal/Nominee name and signature: _____ Date: _____

THIS FORM TO BE STORED AT SCHOOL IN THE STUDENT'S SBAT FILE.