



Nepean Community College

Risk Management Policy and Procedures



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1. Purpose

This policy provides information to assist Nepean Community College (NCC) to safely deliver training and assessment services in NSW. It aligns with the NSW SafeWork Guide for RTOs.

2. GENERAL

1.1 Notification of NCC change of details

The requirement to notify the Regulator of any change in NCC details includes, but is not limited to, a change or result of:

- business ownership
- business name
- postal, telephone, email or other contact details
- the status of NCC ASQA registration
- a court outcome or conviction following prosecution in Australia for a work health and safety/ occupational health and safety offence, or any criminal offence
- NCC approval to deliver the same Services in any other Australian jurisdiction is cancelled or suspended and the reason
- cessation or planned cessation of NCC business; or
- bankruptcy.

1.2 Privacy and confidentiality

NCC is bound by privacy legislation and are to adhere to all relevant legislation. All information related to Candidates is to be kept confidential at all times and kept in a secure manner. Information related to Candidates, such as personal details and training and assessment records, may only be disclosed to other persons with written authority from the Regulator. Under no circumstances may health information be obtained and relayed to the Regulator unless explicitly requested and the individuals' approval is obtained.

Candidate information may be disclosed if law requires the disclosure or when there is reason to believe that the use or disclosure is reasonably necessary for:

- Reducing or preventing a serious or imminent threat to an individual's life, health or safety, or preventing a serious threat to public health or safety.
- Preventing, detecting, investigating, prosecuting or punishing of criminal offences and other breaches of the law that attracts a penalty.
- Protection of public revenue.
- Preventing, detecting, investigating or remedying of seriously improper conduct or prescribed conduct.
- The preparation or conduct of proceedings before any court or tribunal.

Further information on privacy legislation can be found at: www.ipc.nsw.gov.au/privacy/nsw-privacy-laws

1.3 Audit and verification activities

NCC play an important role in delivering Services to improve work health and safety in NSW workplaces. The competence, integrity and behaviour of NCC Personnel is essential to the success of the authorisation regime.

To measure if NCC and their Personnel are complying with the Agreement, the Regulator will conduct audit and verification activities as required.



The audit process may include, but is not limited to:

- field observation
- attending training and assessment; and
- monitoring, verifications, reviews, desk top audits, requests for information and face to face meetings.

To maintain the integrity and quality of the training, the Regulator may observe and monitor any approved training delivered by NCC. The Regulator has a systematic auditing process that reviews the conduct of NCC in the delivery of training and assessment to ensure compliance with these Conditions.

The Regulator will also investigate any complaints made against an NCC in relation to their performance or behaviour.

1.4 Compliance

Where an audit, verification, review or investigation by the Regulator reveals any NCC noncompliance with the Agreement, the Regulator will take appropriate action depending on the nature and severity of the non-compliance.

These actions may include:

- providing educative advice
- issuing a Default Notice (DN)
- requiring the implementation of a Remediation and Prevention Plan (R&P Plan)
- requiring the delivery of amended or additional services
- placing additional conditions on the Agreement
- suspending or terminating the Agreement; or
- suspending, cancelling or varying an Authorisation.
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The Regulator may commence prosecution action for a breach of WHS law.

Other criminal proceedings may also be taken where fraud or corruption is detected.

In cases of identified non-compliance, an NCC Authorised Officer may be required to:

- attend a compliance meeting
- attend an interview
- attend a re-training session; or
- complete a training module.

If an NCC is refused or has an Agreement suspended or terminated, in regard to the Services, any Agreement for other Regulator authorisation regimes may also be suspended or terminated.

The Regulator will also consider any refusal, suspension, cancellation, or termination of an NCC Agreement and/or any other compliance matters dealt with by another agency or jurisdiction and may take action depending upon the nature of the matter.

3. CODE OF CONDUCT

The Code of Conduct (the Code) outlines the professional standards expected of an NCC when dealing with others, including other Regulator approved or accredited parties; students, Candidates, members of the public and Regulator staff.

The Code details the minimum acceptable standard of behaviour and ethical decision-making required, and has been developed in accordance with the following principles of ethical decision

making:

- integrity
- trust
- service; and
- accountability.
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The Code provides guidance to assist NCC representatives and personnel when deciding on the appropriate course of action in more difficult situations. However, it is not possible for the Code to describe all the circumstances that may require the exercise of professional and ethical behaviour.

When considering a proposed action or decision in difficult situations, NCC Personnel should be guided by the relevant NSW Government guidance, the Code and with consideration of the following:

- Is the action/decision lawful?
- Is the action/decision consistent with the spirit and intent of the Code and other Regulator materials?
- Can the action/decision be justified to the Regulator or an independent person?
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NCC Personnel are to consider what facts or evidence is available regarding a matter then only take all relevant facts into consideration when taking action or making a decision.

All Services are to be delivered to the relevant performance standards, which may be described in:

- Vocational Education and Training (VET) legislation, standards and guidelines
- the Agreement, and
- the standards of professionalism prescribed in the Code.

3.1 Ethical and professional behaviour

NCC is to demonstrate professional behaviour and be fair, honest and impartial at all times when delivering the Services and represent and promote the Regulator's initiatives in a positive manner when dealing with Candidates, members of the public, and the Regulator's representatives.

NCC Personnel, including Authorised Officers, Trainers and staff, are to behave in a professional manner at all times. Ethical behaviour means that NCC are fair, honest and impartial at all times when dealing with the Regulator, Candidates and other persons.

NCC and their Personnel are to professionally represent the Regulator and promote the Regulator's initiatives in a positive manner at all times, are not to make any adverse, derogatory or controversial comments about the Regulator or the Regulator's activities.

3.2 Fraud and corruption

NCC is to report any fraudulent or corrupt behaviour associated with the Services to the Regulator.

Section 8 of the Independent Commission Against Corruption Act 1988 (ICAC Act) defines corrupt conduct as:

- any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
- any conduct of a public official that constitutes or involves the dishonest or partial exercise

- of any of his or her official functions, or
- any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

NCC and their Personnel have an obligation to the community to conduct business diligently, efficiently, honestly, impartially and with integrity. They are to act in a manner to maintain public confidence and trust. Unethical or improper behaviour or any form of corruption is not acceptable.

NCC and their Personnel are to immediately report to the Regulator any behaviour, including any suspicion or belief of behaviour, that they become aware of that is associated with any training or assessment activity and is:

- fraudulent or corrupt behaviour, or
- in breach of the Agreement and/or the Conditions.

Any information reported to the Regulator will be treated confidentially.

3.3 Bribes, gifts and benefits

A bribe is any offer of money, gift, service or a benefit that is offered to persuade a person to act contrary to the requirements, including the Agreement.

NCC are not to accept any bribe, gift, hospitality, travel, benefits or favours for services associated with the delivery of the Services that may directly or indirectly influence, or appear to influence, NCC ability to act other than in accordance with their obligations.

NCC is to manage any attempted bribe or offer of a gift by any party in the delivery of the Services and in accordance with NCC relevant organisational policy as set out in the DRAP.

3.4 Collusion

Collusion is defined as two or more parties cooperating or conspiring to mislead or deceive others. Examples of collusion may include, but is not limited to the following:

- NCC providing a Candidate with a copy of approved assessment materials, prior to an Assessment
- NCC intentionally deeming a Candidate competent for the purposes of generating future business opportunities with a PCBU
- a Trainer intentionally deeming a Candidate not competent for the purposes of requiring them to be re-trained and/or assessed by another NCC.

3.5 Competence

The Regulator enters into an Agreement with NCC with the expectation NCC will uphold high levels of professional expertise as is required by VET standards and the Code. All NCC Personnel, including Trainers and HRWL Assessors, are to maintain the required qualifications, vocational competencies, and current industry skills and knowledge to deliver the Services. The Regulator may suspend or terminate the Agreement if there is evidence this requirement is not met.

3.6 Conflict of interest

A conflict of interest is a situation where there is potential for NCC to be influenced, or be seen to be influenced, by a personal interest in delivering the Services.

Sound judgement is to be used to avoid conflict of interest. If there is a conflict or potential conflict of interest associated with any part of delivering the Services, service delivery is not to



proceed. If you are unsure if there is a perceived or actual conflict of interest, contact the TACS team.

Examples of possible and/or perceived conflict of interests could include delivering Services for:

- friends and relatives
- businesses in which NCC, their Personnel, family or friends have an interest
- personal beliefs or attitudes that can influence providing services impartially
- any financial or other personal interest that could directly or indirectly influence or compromise NCC delivery of the Services
- disclosing sensitive or confidential information gained through NCC status with the Regulator to another organisation or person.

3.7 Dangerous or unsafe work practices

NCC must not deliver the Services if there is an uncontrolled health and safety risk.

3.8 Discrimination

NCC is to comply with NSW anti-discrimination legislation when delivering the Services. NCC is not to discriminate against any person on any grounds covered by anti-discrimination legislation (such as sex, marital status, pregnancy, age, race, ethnic or national origin, disability, sexual preference, sexual harassment, religion or political belief).

3.9 Drugs and alcohol

The capacity of an NCC or their Personnel to exercise sound judgement is not to be impaired by the use of alcohol, drugs or other substances. NCC Personnel are not to deliver the Services if under the influence of alcohol, drugs or substances.

NCC is not to deliver Services to a Candidate if there is evidence that the Candidate is under the influence of alcohol, drugs or substances.

A breach of this requirement will result in immediate termination of an Agreement.

3.10 False declarations

NCC must not make false or misleading declarations, either verbally or in writing, in the delivery of the Services.

False or misleading declarations could include, but is not limited to:

- falsifying information;
- omitting information;
- providing incorrect information on plant used for Assessment;
- providing incorrect information regarding a training and/or Assessment venue;
- falsifying or altering a Candidate's answers, training records, residential address or Assessment results.

NCC is not to deliver the Services if they know, suspect or reasonably believe that any information provided by the Candidate may be false or misleading.

3.11 Participation in briefing sessions

The Regulator may request that NCC attends briefing sessions and undertake ongoing training and development activities designed as part of professional development. The Regulator will advise if these events are compulsory and will provide NCC with reasonable notice.

3.12 Privacy and confidentiality

NCC is to manage privacy matters so that the Regulator is able to meet its obligations set out in the:

- privacy statement; and
- privacy management plan.

If NCC uses a training or assessment facility where security cameras are installed and video/ digital recordings are made and kept, the camera(s) are to be positioned or other means used so that the content of any confidential Safe Work Australia or Regulator supplied material(s) cannot and is not recorded in detail.

3.13 Public comment

NCC is not to make public comments that appear to be an official comment on behalf of the Regulator or the NSW Government

As members of the community, all NCC have the right to take part in public debate on issues of public concern. However, NCC are to be careful that public comments do not appear to be an official comment on behalf of the Regulator or the NSW Government.

If elected or nominated as a spokesperson for a professional or community association, NCC are entitled to make public comments about relevant issues relative to their role but not in the capacity as a Regulator approved NCC. NCC making such statements are to clearly acknowledge that those comments are made on behalf of that association and not the Regulator.

3.14 Unreasonable behaviour

Unreasonable or obstructive behaviour is not acceptable and such behaviour could compromise the health, safety and security of Candidates, the Regulators staff or NCC Personnel.

Examples of unacceptable behaviour include, but are not limited to:

- Acts of aggression, verbal or written abuse.
- Derogatory, racist, or defamatory remarks.
- Harassment, intimidation, or physical violence.
- Rude, confronting and threatening correspondence.
- Threats of harm to self or others, direct or indirect threats with a weapon or threats to damage property, including bomb threats.
- Stalking (in person or online).
- Emotional manipulation.
- Persistent or continued contact with the Regulator's staff after being informed that a matter has been deemed resolved and/or concluded.
- Implied or continual allegations of wrongdoing by the Regulator's staff members where no evidence can be provided.
- Demanding that the Regulator's staff members issue correspondence to other NCC or the public in support of their own views or opinions.
- Incitement and/or collusion with other NCC to digress from the Code, the Conditions or the Regulators directives.
- Adverse, derogatory or controversial comments about the Regulator, the Regulator's representatives or the Regulator's activities.
- Constant or continual critiquing of Regulator published or supplied information.
- Incessant demands that the Regulator change or amend practices that are not agreed with by the individual.
- Frivolous and/or vexatious enquiries of and/or communications to the Regulator.
- Allegations or complaints against competitors that cannot be substantiated with evidence.



The Regulator has a zero-tolerance policy towards any harm, abuse, bullying or threats directed at members of the public, Candidates or its staff. Obstructive and unreasonable behaviour may result in an Agreement being suspended or terminated.

END OF DOCUMENT