

# Duty of Care Policy

Policy number	1.10	Version	3
Drafted by	Imm Past CComr	Approved by Council of AAL	4 <sup>th</sup> September 2021
Reviewed by	Moore's Legal		
Responsible person	Chief Commissioner	Scheduled review date	30 <sup>th</sup> December 2023

## PURPOSE AND SCOPE

10.1 This Duty of Care Policy is part of a suite of policies and is supported by three other Policy documents contained in the Australian Air League Inc. Manual, Section 1, Paragraphs 9, 11 and 14.

- Code of Conduct Policy;
- Child Safety Policy, Child Safety Code of Conduct, and Procedure; and
- Health and Safety Suite of Related Policies and Procedures.

10.2 All Members of the Australian Air League Inc. are required to understand that we all have a Duty of Care and Responsibilities to each other.

10.3 The Australian Air League Inc. has a Duty of Care to all Members and their parents/guardians to provide a safe environment that protects Members to the best of its ability from physical or emotional harm.

10.3.1 All Officers of the League are accountable to exercise this duty on behalf of the League at all times.

10.3.2 The authorised person in charge (an Officer who has been issued with an Officer Warrant) of any activity shall exercise the Duty of Care on behalf of the League and parents/guardians.

## DEFINITIONS

10.4 "**Member**" means any person who holds a Certificate of Membership issued by the AAL. This includes:

- Uniformed Members under 18 years of age (**Cadet Members**);
- Members 18 years of age and over (**Adult Members**), including:
  - Uniformed Adult Members; and
  - Non Uniformed Adult Members (**Associate**).

## 10.5 RIGHTS AND RESPONSIBILITIES.

### 10.5.1 CADET MEMBERS RIGHTS:

Cadet Members of the Australian Air League Inc. have the right to:

- be treated with dignity and respect
- feel safe and cared for;
- be listened to and have their contribution (or comments) be seriously considered;
- privacy;
- an inclusive environment;
- be referred to appropriate professional help if needed;
- be protected from abuse.

#### 10.5.2 CADET MEMBERS RESPONSIBILITIES:

Cadet Members of the Australian Air League Inc. are responsible for:

- showing respect to all other Members (including other Cadets);
- taking reasonable care for their own safety;
- reporting inappropriate behaviour or at-risk situations to the Officer in charge.

#### 10.5.3 ADULT MEMBERS RIGHTS:

Adult Members of the Australian Air League Inc. have the right to:

- be supported in the reporting of suspicions of child abuse (see AAL's Child Safety Policy, Child Safety Code of Conduct and Procedure – at Section 1, Paragraph 11 of the AAL's Manual);
- access support agencies;
- fair and equitable treatment from the League; and
- be protected from abuse;

#### 10.5.4 ADULT MEMBERS RESPONSIBILITIES

Adult Members (and Officers in particular) of Australian Air League Inc. are responsible for:

- satisfying the duty of care they owe to others;
- attending and satisfactorily completing AAL training courses so that they are competent to carry out their role as Officers.
- knowing, and adhering to, the League's policies, procedures and rules;
- ensuring compliance with the AAL's Child Safety Policy, Child Safety Code of Conduct and Procedure (found at Section 1, Paragraph 11 of the AAL's Manual);
- working as a team to ensure the safety of Cadets in their care;
- using appropriate youth behaviour management and at all times, treat cadets with dignity and respect and endeavour to actively promote every child's right to feel safe and cared for as well as the child's right to be listened too and have their contribution (or comments) be seriously considered
- ensuring the rights and responsibilities of Cadets are enforced;
- only disclosing sensitive information to appropriate authorities and/or designated internal personnel, on a 'need to know' basis.

#### 10.5.5 THE AUSTRALIAN AIR LEAGUE'S RIGHTS

The Australian Air League Inc. has the right to:

- expect all Adult Members to comply with its policies, codes of conduct and procedures;
- expect all Cadets to keep within the bounds of general community standards of reasonable behaviour;
- take appropriate action if Members contravene its policies, codes of conduct and procedures;
- expect all Adult Members to undertake issues management training as and when directed;
- take appropriate action in the event of malicious accusations.

#### 10.5.6 THE AUSTRALIAN AIR LEAGUE'S RESPONSIBILITIES

The Australian Air League Inc. is responsible for:

- arranging adequate training courses so that Officers may gain knowledge or be informed where that knowledge can be obtained
- providing maximum safety to Cadets; insisting on all Adult Officers undertaking ongoing training;



- widely promoting this policy to Members and the community at large;
- ensuring compliance with the AAL's Child Safety Policy, Child Safety Code of Conduct and Procedure (found at Section 1, Paragraph 11 of the AAL's Manual); and
- taking appropriate action if Cadets contravene general community standards of reasonable behavior.

## 10.6 UNDERSTANDING YOUR DUTY OF CARE

10.6.1 *Duty of Care* is a concept that refers to the responsibility of Members to provide children, young people, and adults with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect others from all reasonably foreseeable risk of injury.

The question of what constitutes reasonable care in any given case will be determined objectively by a court and will depend on the individual circumstances of each case.

In their relationships with children and young people, Officers are required to ensure that the physical and emotional welfare of children and young people is safeguarded, and that their own behaviour is guided by this duty of care both within and beyond the education and care setting

Whilst the legal term is 'duty of care', think of it as the 'standard of safety.'

10.6.2 Decisions and actions must be fair, consistent with this policy and conducted without favouritism.

10.6.3 This may all appear very daunting but the reality is not overly complicated, and we recommend you follow the following and:

### **ASK YOURSELF THESE QUESTIONS FOR EACH ACTIVITY.**

"Did I take **reasonable** steps to identify any **reasonable** risk that might be expected, and minimize the risk of injury or damage?"

"Are **reasonable** steps in place to identify and assess the risk of injury or damage and follow-up actions to minimize that risk?"

### **WHY TAKE UNNECESSARY RISKS?**

**USE OUR POLICIES AND GUIDELINES and**

**FULLY INFORM PARENTS SO THEY CAN GIVE INFORMED CONSENT**