

STUDENT PRACTICUM GUIDE

- RISK MANAGEMENT AND INSURANCE -

1 RISK MANAGEMENT AND INSURANCE

1.1 RISK MANAGEMENT

The objective of risk management in respect of student practicums is to facilitate the student placement and to ensure future student placements throughout the life of the University. By adopting some basic risk management procedures it is possible to facilitate a high standard of student placement in host organisations.

1.1.1 GENERAL

The University owes a duty to take reasonable care of its students. However, the particular content of this duty whilst students are on practicum will differ from that ordinarily owed when students are on campus and engaged in activities controlled by the University.

The nature of practicums does not permit the University to wholly control and supervise a student while that student is on practicum. Should the University place a student with a host organisation where that student's level of expertise is not on the requisite level to enable that student to confidently undertake the practicum, and the University has knowledge of this or ought to have knowledge of this, then any injury or damage suffered by the student or the host organisation may be referable to the University's act of approving that student placement.

The host organisation will owe a duty to take reasonable care to ensure that students placed on practicum with it do not suffer any damage or injury which is the reasonable foreseeable result of carelessness on its part. The standard of care which is owed by the host organisation to the student will vary according to that student's level of knowledge and expertise.

The students also have the duty to take reasonable care. However, the requisite standards of care required of students will be considerably lower than that which a person qualified in the relevant field would owe to the host organisation.

As a result of the above it is very important that the following risk control measures are undertaken prior to all student practicums.

1.1.2 RISK CONTROL

To ensure future student practicums with quality host organisations, it is important that the University staff take all reasonable measures to prevent any situation where the University may be liable for negligence in respect of any damage or injury caused by or to a student. These measures (in no particular order) are :

- a) Advise students, whether by way of lectures or by distribution of written information, not to perform tasks while on practicum that are beyond their capability. They should advise their supervisor at the host organisation if they feel a task is beyond their capability. Students should be encouraged to express to the supervisor at the host organisation, and to any supervisor within their faculty, concerns which they may have in relation to the tasks which they have been asked to perform.

Students should be advised that they may be liable themselves for any damage caused to a host organisation, or to a client of a host organisation, consequent upon the careless performance of a task objectively within their level of skill, expertise and experience. They should be advised that it is incumbent upon them to exercise reasonable care in the performance of any tasks allocated to them.

- b) Host organisations should be advised, to the extent practical, of the level of knowledge, skill, expertise and experience possessed by a particular student or by the class of students to which the particular student belongs and, perhaps, of the types of tasks which the student may undertake with limited supervision or without supervision. However, it is very important that you do not misrepresent to a host organisation the level of knowledge, skill, expertise or experience possessed by a particular student or students or a class to which the student belongs.
- c) Prior to students being placed on practicum within host organisations it is important that supervisors inspect the relevant workplace to ensure its suitability in respect of occupational health and safety and other environmental matters prior to placement. The supervisors should be careful that they are not deemed to be supervising the student at the host organisation's workplace, but that they are carrying out their own general duty of care by ensuring that the relevant host organisation's work place is suitable in all aspects of student health and safety. Visits by supervisors to the workplace should be carried out prior to any student placement, wherever possible and practical to do so.
- d) Wherever possible the University should consider utilising professional and statutory bodies in control of relevant fields of practice to facilitate practicum requirements for qualification. This strategy removes a considerable amount of risk from the University and would be a favoured risk management technique.
- e) It must be remembered that where the risks are considered to outweigh the rewards of a student practicum that placement be avoided.
- f) Where supervisors are unsure of the extent of hazards identified in the risk assessment process during visits, they should avail themselves of the expertise of the University's Director, Risk Management & Audit Assurance at all times.

1.2 INSURANCE

As part of the University's risk management program, the University's risk of negligence and any payment of damages, is transferred to its insurers. The University, in addition, has extended the policies mentioned below to incorporate the student on practicum, as if they were at the University. Staff of the University are automatically included within the definition of insured. The University has effected the following forms of insurance in respect of student practicums with host organisations, these are as follows :

- a) *Public Liability Insurance* - this policy provides indemnity to the University, staff and students on practicum as a result of a legal liability to pay following the inflicting of any damage to property and/or bodily injury including death to a third party. In this instance the third party will be the host organisation and their staff/customers, patients etc. The limit of the indemnity for any one occurrence is ten million dollars.
- b) *Professional Indemnity Insurance* - this policy provides indemnity in respect of a breach of professional duty by reason of any negligent act, error or omission committed or alleged to have been committed by the insured which includes the University, staff and students on practicum, whilst acting in a professional capacity. The limit of indemnity is ten million dollars.

Incorporated in the above insurances and within the limit of indemnity are legal expenses.

All matters affecting the insurance programme of the University is the responsibility of the Manager, Strategic Procurement. Should any organisation desire confirmation of insurance or an explanation of the University's insurances it should be referred to the Director, Risk Management & Audit Assurance and at no time should any other person provide details of the University's insurances.

In particular, should any organisation request the signing of any agreement including indemnities, without the prior knowledge of the Director, Risk Management & Audit Assurance and the University's

insurers, the above insurances may be considered void. It is a breach of the conditions of the University's insurance to sign any particular agreement modifying insurer's rights and providing indemnities to other organisations. All such matters must be referred to the University's Manager, Strategic Procurement.

From time to time University staff may be asked to provide proof of workers' compensation insurance in respect of the West Australian Workers' Compensation Rehabilitation Act 1981. As students are not employees of the University and do not receive remuneration from the University there is no legal obligation nor is the University able to insure students under workers' compensation. As students do not meet the definition of worker under the act, it is illegal for the University to provide such cover. When a host organisation requests such insurance details this should be referred to the University's Director, Risk Management & Audit Assurance for advice.

Should host organisations request proof of our Public Liability Insurance, you may download the Certificate of Insurance from Strategic Procurement publications "Certificate of Currency" found at the Strategic Procurement home page.

We have effected, for all enrolled students of Edith Cowan University, Personal Accident cover for practicums, work experience and/or field trips authorised by the University. Details can be found at the Strategic Procurement home page.

In respect of all matters relating to risk management, contact Phillip Draber, Director, Risk Management & Audit Assurance on l.nel@ecu.edu.au or 6304 2791 advice and guidance.