
Policy Title: Student Accidents/Incidents
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Legislation: Occupational Health and Safety Act 1989 (ACT)
Privacy Act 1988 (Cwth)
Freedom of Information Act 1989 (ACT)
Health Records (Privacy and Access) Act 1997 (ACT)

This policy must be read in conjunction with the *Health & Safety Policy – First Aid and Critical Incidents Guidelines*

1. POLICY STATEMENT

- 1.1 All significant accidents/incidents must be recorded by the Directorate and must be notified to:
- the ACT Insurance Authority (ACTIA) within 10 business days of the event (refer 4.3.3, below), and
 - ACT WorkCover, as soon as practicable, but not later than seven calendar days after the accident/incident occurs (refer 4.3.3 and 4.8 below).

A Student Accident/Incident Report is to be completed. (Refer, in particular, to 4.3 - 4.7, below.)

- 1.2 A significant student accident/incident which is also a critical incident must be reported to the Schools Network within 24 hours. The *Providing Safe Schools P-12* policy states that schools must report instances of bullying, harassment, violence, racism and sexual harassment that pose an immediate threat to the safety of students and staff as critical incidents.
- 1.3 Where a critical incident has occurred the procedures for reporting critical incidents, as outlined in the *Critical Incidents Guidelines* on Index (https://index.det.act.gov.au/information/pdf/FS6_critical_incidents.pdf), should be followed and the critical incident form on the MAZE database should be completed.

(A flow chart of reporting requirements is at Attachment 1 and a checklist of responsibilities for staff is at Attachment 2.)

2. RATIONALE

- 2.1 This policy outlines the procedures to be followed by school staff in the event of an accident/incident that causes or is likely to cause injury, including psychological injury (e.g. bullying), to a student that occurs at school or during a school-organised activity. It also contains the procedures which apply to ambulance transportation of students.

2.2 The policy includes the responsibilities of staff in relation to the completion, storage and use of Student Accident/Incident Report forms, requirements for witness statements and the Directorate's obligations for reporting notifiable injuries and/or incidents and the provision of information to parents, students and others concerning injuries/incidents.

3. DEFINITIONS

3.1 An **accident** is an event or mishap involving a student enrolled in an ACT public school which occurs while the student is attending school or involved in an approved school-organised activity, such as an excursion, where the student is injured and first aid intervention and/or professional medical services are required.

3.2 An **incident** is an event that results in or is likely to result in injury/illness, for example dangerous occurrences and bullying and harassment. It includes a 'near miss'. Reference should be made to the definition of a critical incident at paragraph 3.3, below, to assist in determining whether the critical incident form on MAZE **or** the Student Accident/Incident Report should be completed.

3.3 A **critical incident** is an incident or series of incidents which result in:

- significant disruption to the school's normal procedures
- a school being locked down, evacuated or requiring closure
- police notification and involvement in the school
- significant threat to the safety of students and/or staff.

There are 11 types of critical incidents covered in the *Emergency Management Checklist*:

- | | |
|---|-------------------------------|
| - violent incident | - chemical hazard or gas leak |
| - bushfire | - medical emergency |
| - severe storm and internal flooding | - lockdown procedures |
| - death/suicide | - internal fire/smoke |
| - siege, criminal or terrorist activity | - bomb threat |
| | - earthquake. |

3.4 **Parent(s)** includes all people who have parental responsibility for a child.

3.5 **Student** means a person who is enrolled in an ACT public school or related institution established under section 20 of the *Education Act 2004* (ACT).

3.6 **First aid intervention** is the immediate care of an injured or suddenly sick person prior to obtaining professional medical services, if required. It includes first aid, maintenance of records, and recognition and reporting of hazards.

3.7 **Professional medical services** include attention provided by medical practitioners, dentists, nurses and ambulance personnel.

3.8 **Vicarious liability** - Under the principle of vicarious liability, ACT Government employees, in the course of their employment, are protected in law should legal action be initiated, provided they have acted responsibly, within their level of competence, and followed established policies and guidelines and with proper motive.

4. PROCEDURES

4.1 What should be done when an accident/incident happens?

- 4.1.1 On becoming aware of an accident/incident, staff should, so far as they are able, render first aid to the injured student/s.
- 4.1.2 Where a qualified first aid officer is available, that officer should provide assistance as soon as possible.
- 4.1.3 Except where the accident/incident is considered minor (for example where first aid intervention is not required), a parent must be informed. For a serious accident/incident (for example, where professional medical services are required) a parent must be informed immediately. For a less serious accident/incident (for example, where first aid intervention is required) a parent must be informed as soon as possible, but at least by the end of the school day.
- 4.1.4 Where a parent cannot be reached, the person nominated as an emergency contact should be contacted.
- 4.1.5 Except where the accident/incident is considered minor, a first aid officer or other staff member attending to the student must remain with the student until no further treatment or assistance is required, or until the student is placed in the care of ambulance officers or other medical personnel, unless the employee's personal safety is at risk.
- 4.1.6 The school's health and safety officer, the principal, teacher in charge, or their delegate should investigate the accident/incident and ensure any hazard is controlled to prevent further injuries/incidents.
- 4.1.7 In the event of a serious accident or incident, i.e. one where ACT WorkCover must be notified (refer to paragraph 4.8 of this policy), the principal and staff need to ensure that the scene of the incident remains complete and undisturbed, once immediate risks have been controlled. The site or anything associated with the accident/incident should not be disturbed to facilitate an ACT WorkCover and/or police investigation.

4.2 What procedures apply for ambulance transport?

- 4.2.1 The ACT Ambulance Service provides free ambulance transport for students who are injured or suddenly become ill at school or during approved school activities within the ACT.
- 4.2.2 There are no reciprocal arrangements with other state or territory ambulance services.
- 4.2.3 Free ambulance cover does not apply to students who attend Jervis Bay Primary School.
- 4.2.4 Schools should remind parents and carers to check their health cover for ambulance transportation cover outside the ACT. At Attachment 3 is an example of a notice, including a reference to ambulance transport, which could be included in school newsletters or handbooks.
- 4.2.5 An ambulance is to be called at the earliest suggestion that it may be required.

4.2.6 Where a school needs to call an ambulance for a student who is suffering from an illness or injury acquired before leaving for school (i.e. where a parent was aware of such illness or injury), an account will be issued by the ACT Ambulance Service and forwarded to the parent for payment. This account remains the responsibility of the parent and not the Directorate.

4.3 When should a Student Accident/Incident Report be completed?

4.3.1 **As a guide** a report should be prepared when:

- a student breaks a bone or suffers an injury to the eyes, head, or mouth
- a student is injured at school or in a school organised activity and first aid and/or medical attention is provided or such treatment is reported by the student or a parent at a later date
- a student has to leave school early as a consequence of an accident/incident
- a parent or other emergency contact is advised by the school of an accident/incident
- in other instances when a principal or his/her delegate considers it appropriate to do so.

4.3.2 The Student Accident/Incident Report should be prepared as close as possible to the time of the accident/incident – preferably the same day. The Report form is available from Index at <https://index.det.act.gov.au/information/policies.html>.

4.3.3 A copy of the Student Accident/Incident Report should be forwarded to the Risk Management and Audit Section of the Directorate as soon as practicable or in any event within 48 hours of the accident/incident. The Risk Management and Audit Section will notify ACT WorkCover and ACTIA of these accidents/incidents. However, in the event of more serious accidents/incidents schools also need to contact ACT WorkCover directly, see paragraph 4.8, below.

4.4 What information should be provided in the report?

4.4.1 When completing the Student Accident/Incident Report details identifying the student who was injured are to be provided together with the date and location of the accident/incident, a description of any injuries sustained and a brief factual account of how the accident/incident occurred. It should also include information on how any hazard has been controlled to prevent further injuries/incidents.

4.4.2 All Directorate staff have certain obligations and responsibilities under the *Privacy Act 1988* (Cwlth) and the *Health Records (Privacy and Access) Act 1997* (ACT). These Acts protect individuals' rights in relation to the collection, use, storage and disclosure of personal information held by government agencies.

4.4.3 Obligations imposed by Information Privacy Principle (IPP) 2 of the *Privacy Act 1988* require the collector of personal information to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the individual concerned is generally aware:

- of the purpose for which the information is being collected
- that the collection is authorised or required by law if that is so
- to whom the information will be provided.

4.4.4 **As the personal information on the Student Accident/Incident Report generally relates to students under the age of 18 years, their parents/carers should be informed of the school's policy in relation to privacy and the preparation of the Student Accident/Incident Report.** Notification could be published in school handbooks and/or newsletters, for example. At Attachment 4 is an example of such a privacy notice.

4.5 What are Witness Statements?

4.5.1 In the case of more serious injuries/incidents schools should obtain witness statements from any person, including a student, who has direct knowledge of the accident/incident. Where there are large numbers of witnesses to an event witness statements may be obtained from a representative sample of witnesses with the names and contact details of remaining witnesses recorded. Attached to the Student Accident/Incident Report form is a witness statement proforma.

4.5.2 When witness statements are being obtained please note:

- requiring such statements does not jeopardise any rights that people have at this stage. The privilege against self-incrimination occurs during legal proceedings.
- under the rules of natural justice it is necessary to tell people:
 - why they are being questioned or being asked to prepare a witness statement
 - to what use their answers or statement might be put, and
 - the consequences which may arise (e.g. school discipline action, in the case of students, later action by third parties such as requests under the *Freedom of Information Act 1989 (ACT)* or legal proceedings).
- a witness may refuse to answer questions or to complete a witness statement.
- any statements should be completed in pen, not pencil.
- the witness should write about the accident/incident in his or her own words and sign and date the statement when finished. In no circumstances is the witness to consult with another witness before preparing his/her witness statement to ensure the independence of the process.
- if the witness is too young to be able to write about what he or she has seen, an adult who has not been involved in the accident/incident can assist the student. In such circumstances the adult should read the statement back to the student to confirm what has been written and that is what they saw. This should be noted accordingly.
- if the witness is from a culturally and linguistically diverse background he or she should be given the option of writing his or her account in their preferred language. This account should be kept together with the subsequent translation of the witness statement into English.
- if a statement is completed by a student then the date of birth of the student should be written on the statement.
- where appropriate, the witness should be asked to draw a sketch to accompany his or her statement. This may be a sketch of the classroom, playground or sports field or facility where the accident/incident occurred. The location of the witness and the student who had the injury should be noted on the sketch.

4.6 Should any other material be collected at the time of the accident/incident?

4.6.1 In the case of more serious injuries/incidents where a Student Accident/Incident Report is completed, the following material, where relevant, should be kept with that Report:

- class rolls or excursion or sports roll of the relevant students
- permission notes, including medical information and consent forms, and other documentation prepared in relation to an excursion or other activity
- staff list and roster (e.g. a playground duty roster where an accident/incident occurs in the school playground)
- first aid register or its equivalent
- correspondence in relation to the accident/incident
- any relevant school policies
- any evidence that should be preserved, e.g. equipment involved in the accident/incident
- a map or diagram indicating location of the accident/incident
- where possible, and appropriate, photographs may be taken of the place and surrounding area where the accident/incident occurred
- details of any instructions given or action taken to prepare students for an activity.

4.6.2 While it is acknowledged that collecting this information may be time consuming at the time of the accident/incident, it is less onerous than collecting it many years later.

4.6.3 Schools should contact Risk Management and Audit Section (6207 1974) for further advice.

4.7 How long should reports and other material be retained?

4.7.1 Student Accident/Incident Reports and associated material should be retained for seven years or until the injured person attains the age of 25 years, whichever is the longer.

4.8 Reporting of Notifiable Injuries/Incidents to ACT WorkCover

4.8.1 The employer or person in control of a workplace has an obligation under the *Occupational Health and Safety Act 1989 (ACT)* to report to ACT WorkCover serious injuries/incidents and dangerous occurrences involving students that are attributable to the conduct of Directorate activities and occur at or near a Directorate workplace. Such notifiable dangerous occurrences include damage to or failure of major types of plant and equipment, uncontrolled fire, explosion, escape of gas, dangerous goods or steam and electric shock. Dangerous occurrences also include the imminent risk of these events or of the death or serious injury to any person.

4.8.2 Notification must be made as soon as practicable and no later than seven days after the event, and concurrently reported to the Schools Directorate and the Directorate's Risk Management and Audit Section (telephone: 6207 1974 or fax: 6205 9453).

4.8.3 Schools should notify ACT WorkCover of such incidents on the “Injury and Dangerous Occurrence Report Form”, which is available at <http://www.workcover.act.gov.au/docs/injreport.htm>.

4.8.4 If an accident has caused the death of a person or serious bodily injury, ACT WorkCover should be contacted, in the first instance, by telephone on 6205 0200. The relevant Schools Director and the Risk Management and Audit Section (telephone: 6207 1974 or fax: 6205 9453) should also be contacted.

4.9 What should be done if compensation in relation to an accident/incident is sought?

4.9.1 Under no circumstances should statements (including those to students, parents or their legal representatives) be made admitting liability or identifying the cause or persons responsible for the accident/incident. Personal opinions must not be expressed.

4.9.2 Parents may be informed of the manner in which the accident/incident occurred, but any background particulars leading to or concerning the accident/incident are matters that the parent or other interested party may take up with the Directorate.

4.9.3 In cases where parents or other parties wish to make a claim against the Directorate for payment of medical or other costs, or for compensation, they should be advised to write to the Manager, Legal Liaison and Regulation, Education and Training Directorate at the address listed in 4.10.1, below. Such claims are then referred to the ACT Insurance Authority and/or the ACT Government Solicitor. (Refer also to 4.13 for information about insurance.)

4.10 What should be done if parents or solicitors want copies of reports and/or witness statements?

4.10.1 Where parents or other parties seek copies of Student Accident/Incident Reports and/or witness statements, schools should advise that requests need to be made in writing to:

Senior Manager
Legal Liaison Regulation
Education and Training Directorate
GPO Box 158
CANBERRA ACT 2601

4.10.2 Any correspondence from solicitors should also be referred to Legal Liaison and Regulation.

4.11 What should I do if a parent, volunteer, visitor, contractor or other third party is injured at school or in a school related activity?

4.11.1 For accidents/incidents involving persons who are not employees or students of the school, the ACT Government Accident/Incident Report Form should be completed and forwarded to the Risk Management and Audit Section. This form is available from the Shared Services Centre at <http://sharedservices/actgovt/HRforms.asp>. The Risk Management and Audit Section will notify ACTIA of these accidents/incidents. Some of these accidents/incidents may also need to be reported to ACT WorkCover. For further information refer to paragraph 4.8 of this policy.

4.11.2 If compensation is sought, the procedures set out in paragraph 4.9, above, should be followed.

4.12 What procedure should be followed if a student is injured while participating in a work experience placement?

4.12.1 Contact should be made with the school's work experience coordinator who should, in turn, contact the Directorate's Work Placements Administrator. Further information is contained in "Experience Counts", which is available at http://www.det.act.gov.au/school_education/vocational_learning_in_schools/work_experience.

4.12.2 A Student Accident/Incident Report should be completed and forwarded to the Risk Management and Audit Section.

4.12.3 If compensation is sought, the procedures set out in 4.9, above, should be followed.

4.13 Are any insurance arrangements in place to cover students who are injured?

4.13.1 ACT public schools and programs do not meet all claims for injury, disease or illness to students resulting from school activities or school-organised excursions. The ACT Government (the Territory) meets claims (including claims resulting from school activities or excursions) against it where there is a legal liability to do so. Liability is not automatic and depends on the circumstances in which the injury was sustained. The Education and Training Directorate is an agency of the Territory which has insurance arrangements in place in order to meet such liabilities. Parents should obtain their own advice about insurance protection which may assist in meeting expenses if their child is injured in circumstances where there is no liability on the part of the Territory.

4.13.2 School communities should be regularly reminded that there is no automatic insurance provision for student injuries. **An example of a notice which could appear in school newsletters and handbooks is at Attachment 3.**

5. POLICY OWNER

Director, Governance Branch

6. RELATED DOCUMENTS

Health and Safety Policy - First Aid

Excursions

Overseas Excursions

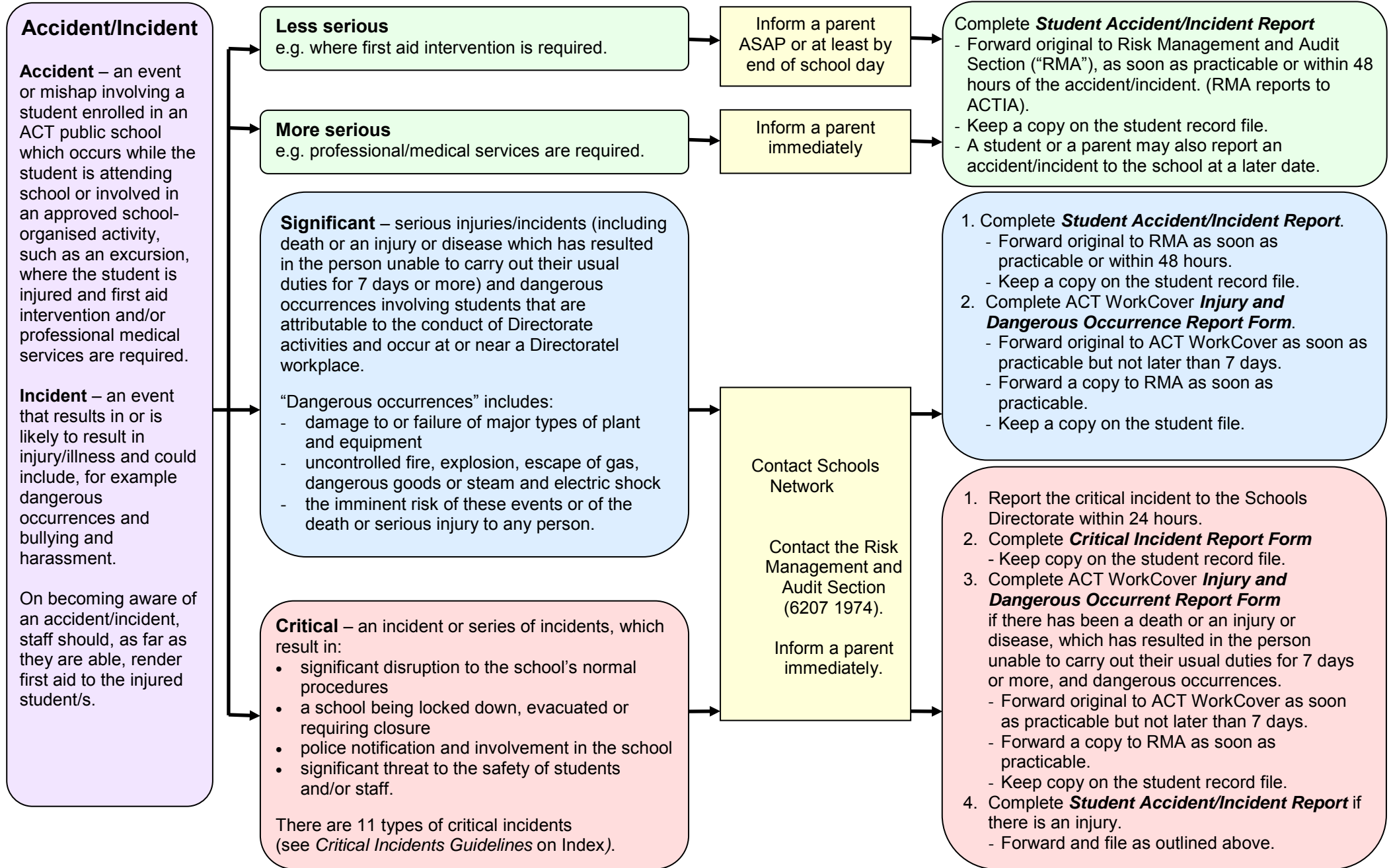
Outdoor Adventure Activities

Experience Counts

Providing Safe Schools P-12

Critical Incidents Guidelines

Student Accident/Incident Reporting Requirements Flow Chart



Student Accident/Incident Checklist

This checklist is to be retained with the relevant accident/incident report documentation on the student file. For significant accidents/incidents, the checklist should be completed and retained with the *Student Accident/Incident Report*. Risk Management and Audit and/or Legal Liaison and Regulation may request this checklist from schools.

1. Was first aid provided to the injured student? Yes No
2. Did the school health and safety officer, the principal, the teacher-in-charge or their delegate investigate the accident/incident and ensure any hazard was controlled to prevent further injuries/incident? Yes No
3. Has the scene of the incident remained complete and undisturbed, once immediate risks were controlled. Yes No
4. Has a *Student Accident/Incident Report* been completed? Yes No

Note: For critical incidents, the *Critical Incident Report* should be completed. Also complete the *Student Accident/Incident Report* where a student was injured in the critical incident.

5. Was it a significant accident/incident? Yes No

A significant accident/incident includes serious injuries/incidents (including death or an injury or disease which has resulted in the person unable to carry out their usual duties for 7 days or more) and dangerous occurrences involving students that are attributable to the conduct of Directorate activities and occur at or near a Directorate workplace.

- (a) Has the Schools Network been contacted? Yes No
 - (b) Has the Risk Management and Audit Section (telephone 6207 1974) been contacted? Yes No
 - (c) Has Shared Services Centre (telephone 6205 0211) been contacted? Yes No
 - (d) Has an ACT WorkCover *Injury and Dangerous Occurrence Report* been completed? Yes No
 - (e) If an accident caused the death of a person or serious bodily injury, has ACT WorkCover been contacted (telephone 6205 0200)? Yes No
6. Was it a critical incident? Yes No
 - (a) Has the Schools Network been contacted? Yes No
 - (b) Has the Risk Management and Audit Section (telephone 6207 1974) been contacted? Yes No
 - (c) Has a *Critical Incident Report* been completed? Yes No

- (d) Has an ACT WorkCover *Injury and Dangerous Occurrence Report* been completed? Yes No
 (If there has been a death or an injury or disease, which has resulted in the person unable to carry out their usual duties for 7 days or more, and dangerous occurrences.)
- (e) If a student was injured, has a *Student Accident/Incident Report* been completed? Yes No
7. Has a statement been obtained from any student witnesses? Yes No
8. Has a statement been obtained from any adult witnesses and appropriately filed? Yes No
9. Have contact details been obtained for all witnesses? Yes No
10. Have the following documents been retained on the student file if relevant to the accident/incident? Photocopies are acceptable if it is not practical to file the originals.
- (a) Class or sports or excursion roll of the relevant students Yes No
- (b) Permission notes, including medical information and consent forms, and other documentation prepared in relation to an excursion or other activity Yes No
- (c) Staff list and roster (e.g. a playground duty roster where an accident/incident occurs in the school playground) Yes No
- (d) Details of any instructions given or action taken to prepare students for an activity Yes No
- (e) First aid register or its equivalent Yes No
- (f) Correspondence in relation to the accident/incident Yes No
- (g) Any relevant school policies Yes No
- (h) Any evidence that should be preserved, e.g. equipment involved in the accident/incident Yes No
- (i) A map or diagram indicating location of the accident/incident Yes No
- (j) Any photographs. Where possible, and appropriate, photographs may be taken of the place and surrounding area where the accident/incident occurred. Yes No

I certify that the appropriate steps have been taken to follow the Directorate's *Student Accidents/Incidents* policy.

Signature:

Name:

Position/Title:

Date:

School Newsletter Item

**Student Injury
Insurance and Ambulance Transport**

The Education and Training Directorate does not provide any insurance cover for injury, disease or illness to students resulting from school activities or school-organised excursions. Claims for compensation are met where there is a legal liability to do so. Liability is not automatic and depends on the circumstances in which any injury, disease or illness was sustained.

As there is no automatic insurance cover for personal injury if your child is injured at school or during a school organised activity/excursion you should therefore consider whether taking out personal insurance cover for your child is warranted.

This insurance might cover contingencies including medical/hospital expenses, ambulance transport outside the ACT, and cancellation of transport/accommodation or loss of/damage to luggage.

The ACT Ambulance Service provides free ambulance transport for students who are injured or suddenly become ill at school or during an approved school organised activity **within the ACT**.

Privacy Notice
School Accidents/Incidents

[Name of School] collects information about injuries and incidents, which occur at school or on school-organised activities, on behalf of the Education and Training Directorate. Some of the information may be personal information as defined in the *Privacy Act 1988* and the *Health Records (Privacy and Access) Act 1997*. The information is usually included in a Student Accident/Incident Report or Critical Incident Report Form together with any accompanying witness statements.

The purposes for which the information is collected include notifying the Territory's insurers and legal advisers of injuries and incidents and ensuring that the school itself has accurate and complete records.

The Directorate usually provides the form and any other information relevant to the accident/incident to the ACT Insurance Authority and the ACT Government Solicitor. Information is also provided to ACT WorkCover in accordance with the *ACT Occupational Health and Safety Act 1989*.

Schools have a duty of care to keep students safe. Where an injury or incident occurs schools have an obligation to determine what has happened and therefore may question students. Schools may also ask students to make statements in writing and to sign these statements.