

Policy title: RESPONDING TO STUDENT ACCIDENTS/INCIDENTS: SUPPORT, REPORTING AND INSURANCE ARRANGEMENTS

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Legislation:

- ***Freedom of Information Act 1989 (ACT)***
- ***Health Records (Privacy and Access) Act 1997 (ACT)***
- ***Privacy Act 1988 (Cwlth)***
- ***Territory Records Act 2002 (ACT)***
- ***Work Health and Safety Act 2011 (ACT)***

Procedures:

- **Responding to Student Accidents/Incidents: Support, Reporting and Insurance Arrangements Procedure**

1. POLICY STATEMENT

- 1.1. The Education and Training Directorate ensures as far as is reasonably practical that schools are safe environments for students and has arrangements in place to support students injured in accidents or incidents which occur at school or on school-organised activities and to inform parents when such accidents or incidents are serious in nature.
- 1.2. These responsibilities are met in a number of ways including providing first aid and where necessary ensuring professional medical assistance to injured students, documenting the circumstances of accidents/incidents, and considering any appropriate steps that may be taken to avoid similar accidents/incidents.
- 1.3. The Directorate recognises its responsibilities under legislation to record and notify within required timeframes significant accidents/incidents to the ACT Insurance Authority (ACTIA) and to WorkSafe ACT.

2. RATIONALE

- 2.1. This policy and associated procedures inform parents, students and staff of key steps following an accident/incident.
- 2.2. The scope of the Directorate's insurance arrangements is set out in this policy so that parents are able to consider the need for their own insurance arrangements.
- 2.3. Internal guidelines for staff in responding to, recording and reporting student accidents/incidents support this policy.

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 to assist in determining whether the Notification of a Critical Incident template **or** the Student Accident/Incident Report **or both** should be completed.
- 3.3. A **critical incident** is a crisis event that causes severe impact, such as significant disruption to the school routine, an emergency management situation, loss of sense of control, or threat to the safety of students and staff. It may be sudden or protracted, extremely dangerous, involve police or emergency services personnel, and generally be outside the normal range of experience or expectation of the people affected.

Critical incidents are covered in the *Critical/Non-Critical Incident Management and Reporting* policy and procedure which can be found at http://www.det.act.gov.au/publications_and_policies/policy_a-z.

- 3.4. A **notifiable incident** is defined by the *Work Health and Safety Act 2011* (ACT) as the death of a person, a serious injury or illness of a person, or a dangerous incident that exposes a person to a serious health or safety risk.
- 3.5. **Parent(s)** includes all people who have parental responsibility for a child.
- 3.6. **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).
- 3.7. **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.
- 3.8. **Professional medical services** include attention provided by medical practitioners, dentists, nurses and ambulance personnel.
- 3.9. **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. LEGISLATION

- 4.1. The ***Freedom of Information Act 1989*** provides a right to seek access to government documents and sets out a number of exemptions allowing for non-release of documents including that of unreasonable disclosure of personal information.
- 4.2. 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 and personal health information held by government agencies.

- 4.3. The ***Territory Records Act 2002*** sets out requirements for record keeping and authorises disposal schedules detailing the periods for which records must be retained by the Directorate.
- 4.4. The ***Work Health and Safety Act 2011*** provides a framework to secure the health and safety of workers and other persons in the workplace. It sets out the requirements for the reporting of notifiable incidents such as the serious injury or illness of a person and dangerous incidents, as well as the requirement to preserve accident/incident sites.

5. PROCEDURES

- 5.1. On becoming aware of an accident/incident, staff should, so far as they are able, render first aid to the injured student/s. Where a qualified first aid officer is available, that officer should provide assistance as soon as possible. An ambulance will be called at the earliest suggestion that it may be required.
- 5.2. 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 and a Student Accident/Incident Report completed by the school.
- 5.3. Where a minor incident is concerned, schools should consider whether, in the circumstances, a parent should be informed.

6. AMBULANCE TRANSPORT

- 6.1. 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. Free ambulance cover does not apply to students who attend Jervis Bay School.
- 6.2. There are no reciprocal arrangements with other state or territory ambulance services.

7. STUDENT ACCIDENT/INCIDENT REPORTS

- 7.1. Schools collect 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 together with any accompanying witness statements or the Notification of a Critical Incident.
- 7.2. 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. Schools may therefore seek information on the accident or incident from students. Schools may also ask students to make statements in writing and to sign the statements.
- 7.3. The purposes for which the information is collected also includes notifying the Territory's insurers, the ACT Insurance Authority, and legal advisers, the ACT Government Solicitor, of injuries and incidents and ensuring that the school itself has accurate and complete records. Information is also provided to WorkSafe ACT in accordance with the *Work Health and Safety Act 2011*.

8. REPORTING NOTIFIABLE INCIDENTS TO WORKSAFE ACT

8.1. The Education and Training Directorate as the employer or person in control of a workplace has an obligation under the *Work Health and Safety Act 2011* to report to WorkSafe ACT any notifiable incidents such as a serious injury to any person and dangerous incidents involving students that are attributable to the conduct of Directorate activities.

8.2. Dangerous incidents which are considered notifiable incidents include:

- an uncontrolled escape, spillage or leakage of a substance
- an uncontrolled implosion, explosion or fire
- an uncontrolled escape of gas or steam
- an uncontrolled escape of a pressurised substance
- electric shock, and
- the fall or release from height of any plant, substance or thing.

Dangerous incidents also include the exposure to a serious or imminent risk to any person of any of these events.

9. INSURANCE ARRANGEMENTS TO COVER STUDENTS WHO ARE INJURED

9.1. There is no automatic insurance provision for student injuries.

9.2. 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.

9.3. The Education and Training Directorate is an agency of the Territory which has insurance arrangements in place in order to meet such liabilities.

10. FURTHER INFORMATION REGARDING PROCEDURES

10.1. For further information regarding first aid and medical assistance, reporting requirements, insurance arrangements and access to Student Accident/Incident Reports refer to the **Responding to Student Accidents/Incidents: Support, Reporting and Insurance Arrangements Procedures**.

10.2. **Internal Guidelines for staff** detail the responsibilities of staff in responding to student accidents/incidents including the completion, storage and use of Student Accident/Incident Report forms, requirements for witness statements and the Directorate's obligations for reporting notifiable incidents, and the provision of information to parents, students and others concerning injuries/incidents.

11. COMPLAINTS

11.1. Where there are concerns regarding the application of this procedure or the procedure itself, people should:

- contact the school principal or the Governance and Assurance Branch in the first instance;
- contact the Directorate's Liaison Unit; or

- access the Directorate's *Complaints* policy which is available on the Directorate's website.

12. POLICY OWNER

12.1. Director, Governance and Assurance

12.2. For support in relation to this policy please contact the Governance and Assurance Branch on (02) 6205 9151.

13. RELATED POLICIES/DOCUMENTS

Countering Bullying, Harassment and Violence in ACT Public Schools Policy
Critical/Non-Critical Incident Management and Reporting Policy and Procedures
Excursions Policy
Experience Counts – ACT Work Experience Program
Health and Safety Policy - First Aid
Outdoor Adventure Activities Policy
Overseas Excursions Policy
Providing Safe Schools P-12 Policy