



Duty of Care for Minors

Purpose

Legislation to increase the school leaving age to 17 years of age was introduced in January 2008. As a result of this legislation a 'TAFE Duty of Care for Minors Policy' has been developed.

This policy must be read in conjunction with relevant existing South Regional TAFE (SRTAFE) policies, as wherever possible minors should be treated as regular college students. The purpose of this policy is to highlight the key aspects or occasions that require additional attention when dealing with minors.

TAFE colleges need to pay particular attention to the safety and welfare of minors while they are participating in a training program. The duty of our staff members is to take such measures as are reasonable in all circumstances to protect students from harm that reasonably ought to be foreseen. This requires not only protection from known hazards, but also protection from harm that could foreseeably arise and against which preventative measures can be taken. Staff members must exercise their professional judgment to achieve a balance between ensuring that students do not face an unreasonable risk of harm, encouraging student's independence and maximising vocational learning opportunities.

Frequently Asked Questions

1. What information needs to be given to parents/guardians?

The college will provide parents/guardians/independent minors with information outlining:

- The nature of the TAFE learning environment
- The level of unsupervised activities/times that students will experience while at TAFE
- TAFE's expectations of students' attendance and behaviour
- Types of learning activities and situations that students may be involved in

Refer to '*Duty of Care for Minors – Information for Students and their Parents*'. This information will be provided to parents/guardians/independent minors in the form of a letter at enrolment or it will be posted to them after the enrolment has been finalised. Refer to the 'Health and Consent Form' (ASRI) which provides written consent for the student's participation in their chosen course and provides relevant health information.

Health and Consent Forms will be processed and relevant information forwarded to the Training and Regional Campus Managers for distribution to appropriate lecturing staff.

For students wishing to enrol who are not yet in their 16th or 17th year there is a separate process that MUST be completed. Refer to: *Underage Students (Minors) Who Want to Enrol Full-time at South Regional TAFE*'.

2. What if a student has a medical condition?

It is the College's responsibility to seek to obtain information about a student's health. This information is gained from the Health and Consent Form completed either at enrolment or shortly after enrolment has taken place.

The College is responsible for ensuring that parents/guardians are aware that TAFE staff members are not in a position to administer medications to students. Parents/guardian will need to make alternative arrangements for students who cannot self administer their medications.

It is the parent / guardian responsibility to inform the College if their child's medical condition changes throughout the course of their enrolment.

College employees are to provide immediate assistance such as calling an ambulance or seeking medical attention in a medical emergency. Refer to *'Critical Incident Management'* document located on the South Regional TAFE Business System.

3. When do parents/guardians need to be contacted?

Under the new legislation, lecturing and other College staff are encouraged to contact parents/guardians/independent minors to discuss any or all of the following:

- Behavioural issues - refer to *'Student Disciplinary Action'*
- Student illness or serious injury - refer to *'Critical Incident Management'*
- Other matters which may impact on the student's training

If the student concerned is attending TAFE for a **'VET in Schools'** program, you must contact the school: it is the school's responsibility to then contact the student's parents in these circumstances. Refer to *VET in Schools – College Policy*.

Contact details can be obtained from ASRI or UE, or speak with either an Administration Officer or the Youth Initiatives Coordinator in the Quality Assurance team.

In the event that a student who is a minor becomes seriously ill or is injured, once you have dealt with the situation, you must inform the relevant Training Manager and/or the Youth Initiatives Coordinator or Manager Quality Assurance.

4. What is the procedure for independent minors?

Parents of minors are required to provide signed consent and health information for their child to undertake study at the College, an excursion or work placement. The College recognises that this reporting and signature requirement may not be suitable for all students who are minors. Those students who are unable to comply with this requirement will need to apply for 'independent minor' status while undertaking their studies at the College.

Refer to *'Procedures for Assessing the Independence of Minors Attending TAFE Colleges'* policy, which provides details and forms.

When a student applies to be an independent minor they will be required to submit two forms of written evidence with their application form. The application form will be processed by the appropriate person and the student will be notified in writing of the outcome. All information as to how it is progressed is in the policy '*Procedures for Assessing the Independence of Minors Attending TAFE Colleges*' and '*Claim for Independent Minor Status - Application and Outcome*' form.

Once a student has been granted 'independent minor' status, they will be required to produce the College's letter approving their status at all times when a parental consent is required; i.e. for an excursion or work placement.

5. What information does the lecturer need to give a student?

Lecturing staff will provide the students with an induction and Learning and Assessment Plan at the commencement of their course. Refer to '*Student Induction / First Attendance Checklist*'.

6. What happens when a student is absent?

The College has a responsibility to report the absence of a student under the age of 18 years to their parent/guardian within three (3) working days of the absence.

If the student is enrolled under a VET in Schools program, TAFE is responsible for informing the school of any absences.

If the student is an apprentice then the employer needs to be informed.

Lecturers are required to:

- Mark attendance rolls for all classes. Refer to '*Absenteeism Processing procedure*'
- Hand the roll to the designated administrator daily when a minor student is absent from an entire, scheduled class with a delivery mode of 1 (Scheduled Classes) or 3 (Scheduled flexible delivery).
- Report absences of **apprentices** to the employer via their current reporting system
Parents of apprentices will not be informed of their absence as the training contract is between the College and the employer.
- Report the absence of **VET in Schools** students to the school via email, then record on ASRI and notify parent/guardian by SMS or letter.

Lecturing staff are able to make extra notes or comments related to students' attendances. These comments may include (but not be limited to):

- Student advising of future dates that they will be absent
- Parent calling to advise of a student's absence
- Lecturer requested student to leave for Occupational Health and Safety reason.

This information can be recorded on ASRI.

When lecturers are teaching a cluster of units they are only required to submit one absenteeism advice form for all the units being taught during a scheduled class time.

The designated administration staff will then notify parents within 3 working days of the student's absence. The College also has a responsibility to provide regular reports to the Retention Directorate and other agencies on students who have repeated absenteeism or who staff members believe to be at risk of disengagement. Refer to *'Absent Student Follow Up'*.

*** Risk of disengagement protocols are only applied to students in their 16th and 17th year. Students in their 18th year (who may be still 17 but turning 18 in the current year) are subject to normal absence reporting procedures but not followed up for risk of disengagement.*

7. What level of supervision is required for students?

Lecturers are required to supervise all students in their care during their scheduled classes. Staff must exercise their professional judgment to achieve a balance between providing meticulous supervision of students and the desirable objective of encouraging students' independence and maximising vocational learning opportunities. Refer to *'Leaving Classes Unattended'*.

Early finish before 5:30pm

If a day time class (i.e. between 8.00am – 5.30pm) finishes prior to the scheduled time, lecturers are able to release students from class, with the exception of VET in Schools classes, which must run for the entire scheduled time unless in exceptional circumstances.

Early finish after 5:30pm

If a class scheduled to finish after 5.30 pm finishes prior to the scheduled time, the students will need to remain under lecturer supervision until the scheduled class finish time. If a student indicates that they have their own transportation, or has arranged transportation with friends in the class, then the lecturer would be able to dismiss them early. The lecturer needs to hold a discussion with the student and make a note of the outcome of this discussion.

Class Cancellations

In the event that classes are cancelled, College staff where ever possible should inform the students prior to attendance. Where this is not possible students can be sent home and parents/guardians do not need to be contacted. Lecturing staff should have a conversation with their minor students to ensure that they have a safe travel plan or have made alternative arrangements for that scheduled class time. College staff members do not have to provide alternative study options in the event that classes are cancelled.

VET in Schools Class Cancellations

When delivering to VET in Schools students, College staff will need to contact the relevant schools to ensure that suitable arrangements are made for those students that the class cancellation affects.

Refer to *'VET in Schools – College Policy'*.

8. What happens if a student behaves inappropriately?

The College has a procedure that defines an appropriate sequence of steps when dealing with student behaviour issues. All matters related to a student's personal and academic behaviour while at South Regional TAFE are covered by this procedure.

Refer to *'Student Disciplinary Action'* policy.

The procedure applies to all students, but in the case of students who are minors (under 18s) the following should also be noted:

- VET in Schools students: - Any discussions with students attending SRTAFE under VET in Schools Students arrangements regarding behaviour should be done in consultation with the relevant school.
- Minors: - Any discussions with students who are minors attending SRTAFE regarding behavioural matters of a serious or persistent nature should be dealt with in consultation with their parent/guardian, unless they are deemed an Independent Minor.

Exclusion: - The procedure recognises that the appropriate authorities should deal with issues of an apparently criminal nature

9. What happens if a student reports an incident of harassment and/or sexual harassment?

The College has a responsibility to inform minor students at their student induction, that if they experience bullying, harassment or sexual harassment during a course of study they should immediately inform either:

- Parent/guardian
- The Training Manager
- Their lecturer
- The Student Outreach Support Service

If a College staff member becomes aware of any bullying, harassment or sexual harassment of students they must follow College policy. Refer to *'Procedures for Addressing Harassment'*.

College staff members are required to notify their Training Manager/Director and the student's parent/guardian.

Upon notification of sexual harassment of a student, all staff have a duty of care to ensure the Managing Director is aware of the situation.

10. What if a student is inappropriately dressed?

College staff must ensure that all students comply with the College's Occupational Health and Safety requirements for their course. If a student is inappropriately dressed or does not have the required safety equipment then lecturers can refuse entry to their class. Where the following groups of students are involved, lecturing staff will need to ensure that they:

- Minors - notify parents/guardians
- VET in Schools - contact the relevant school
- Apprentices/Trainees - notify the apprentice/trainee's employer

Where lecturing staff observe an ongoing problem with a student, they should discuss the matter with their Training Manager (or the relevant coordinator) to rectify.

11. What if a lecturer wants to take a group of students on an excursion?

When planning an excursion or the delivery of classes offsite and there are students under the age of 18 years in the class, lecturing staff will need to:

- Refer to: *'SRTAFE Student Excursion, Off Campus Activity' policy*
- Apply for approval of the excursion using 'Student Excursion/Off Campus Activity Consent'
- Seek **written** consent from the parent/guardian for their child to attend the excursion using 'Student Excursion/Off Campus Activity Consent'
- Collect the consent forms and file them with the excursion information

- If parental consent is not given, the student **will not** be able to attend the excursion and the College will not provide an alternative supervised activity.

When a student claims to be an Independent Minor they must produce the official College letter approving their independent status as proof that parent/guardian signature is not required. Refer to *Procedures for Assessing the Independence of Minors*

When delivering to VET in Schools and wishing to undertake an excursion, lecturing staff must obtain permission from the students' participating schools. The schools are responsible for seeking permission from their students' parent/guardians for excursions and providing the appropriate health information.

12. What arrangements are there for student travel?

Parents are responsible for their child's travel arrangements to and from TAFE, between campuses as well as for excursions and work placements. This information has been conveyed to parents/guardians through the information letter sent at the commencement of the student's enrolment.

College staff members are able to use a College bus or contract the use of a private carrier for transporting students on excursions as long as parental permission has been granted.

Refer to *'College Vehicle Policy and Conditions of Use'* and *'South Regional TAFE Student Excursion/Off Campus Activity Policy'*.

In the event that a student indicates that they will be leaving the class of their own accord and that they have their own transport or have arranged transportation with friends in the class, the lecturer should have an informal discussion with the student to confirm the details. A note of the discussion will need to be made.

13. What if a student appears at risk academically?

Under the new legislation, lecturing and other College staff are encouraged to contact parents/guardians/independent minors to discuss student progress and any behavioural matters, and it is important that they do so as soon as an issue becomes apparent. Contact details for students and parents/guardians can be obtained from ASRI or UE, or speak with a member of the administration team.

If lecturing staff or any other College staff feel that a student who is a minor (under the age of 18) is at risk of non-completion or disengagement, then a request to their designated administrator to flag 'at risk' on ASRI should be made (for students in their 16th or 17th year, i.e. turning 16 or 17 in the current year).

Student Support

Support via the 'Course in Applied Vocational Study Skills' (CAVSS) is accessible through the college. There is also support for indigenous students through our Aboriginal Support Officers, based at Albany and Bunbury campuses.

14. Who is responsible for developing the Training and Assessment Strategies?

When planning the delivery of programs, Training Managers need to ensure that:

- Consideration be given to the following potential risks when developing Training and Assessment Strategies:
 - The environment where learning will take place
 - The capabilities of the supervisory team
 - The students' physical capacity in relation to activities
 - The management of student injury and illness
 - Harassment - including sexual harassment
 - Student behaviour management strategies
 - Communication strategies before, during and after emergencies
 - Transport arrangements between school and College
 - Involvement of external providers
 - Excursions
 - Insurance
- An appropriate College staff member is in charge of each program that is delivered to minors.
- College staff have the appropriate experience, knowledge and skills to identify and manage potential risks at any stage during a program, or be able to source the appropriate help to manage any potential risks.
- All staff/volunteers have a Criminal Screening Check

All relevant new staff commencing employment from the 1st of January 2007 (including volunteers and casuals) must have a 'Working with Children' check. This can be obtained at most post offices.

15. What implications are there when using external providers?

Where the College uses external providers to assist in delivering a program, the Training Manager must ensure that the external providers have fulfilled the following:

- Undertaken a Criminal Screening Check if relevant
- Ensured that new employees who commence work after the 1st of January 2007 have a Working with Children Check
- Have the relevant experience
- Have the appropriate levels of public liability insurance
- Have clearly outlined MOUs established

- Have not signed indemnities, disclaimers or other documents which absolve agencies or companies from liability for their own negligent acts or omissions.

16. What insurance provision is there in place for students?

The College is responsible for ensuring that parents are made aware - in writing - about insurance issues, including liability risk and the requirements for TAFE Colleges using external providers. College staff are required to assist students as necessary in completing documentation relating to incidents such as accidents and for providing the Managing Director with a complete Incident Record for records management purposes. Refer to *'Critical Incident Management'* document.

Students are **not** covered for Personal Accident whilst on campus.

The College does hold cover with the Insurance Commission of WA (Risk Cover) that provides Personal Accident cover for students who are undertaking unpaid work experience that is allocated or arranged by South Regional TAFE.

Personal Accident cover is also extended to those students attending any official camp, excursion, trip or other similar activity (excluding sports days other than interstate sporting events, carnivals or national championships) which is approved and organised by South Regional TAFE.

The onus is placed on the parents in relation to whether they arrange their own Personal Accident insurance or private health cover for their child if they believe the current coverage is not adequate.

17. Is there a procedure for work placements?

Some National Competency Standards require evidence of competency in the workplace. If lecturing staff have students under the age of 18 years in their classes then a parental permission form must be completed by the parent/guardian.

18. As a lecturer, what are my main areas of concern in relation to duty of care for minors?

College lecturers have a duty of care towards all students to take such measures as are reasonable in all circumstances to protect students from risks of harm that reasonably ought to be foreseen. Refer to *'Duty of Care for Minors – Lecturer Guide* and also *Guidelines for Lecturers Delivering to VET in Schools Students*.

Lecturers can access 'Instructional Intelligence' sessions delivered on campus.

Students can access support from the outreach service offered from St John of God Hospital if appropriate.

Definitions:

Duty of Care: a duty imposed by the law to take care to minimise the risk of harm to another

Minor: a person under the age of 18 years

Parent: a person with legal position of mother or father

Guardian: refers to a person who is entrusted by law with the care of a minor

Independent minors: students under the age of 18 years who live independently and whom the Managing Director (or nominee) has assessed and deemed as having independent status

'VET in Schools' (VETiS): refers to a student attending a course at a State Training Provider while enrolled full-time at secondary school.

Excursion: any approved student learning activity conducted off campus that is organised by a lecturer. This includes work placements other than paid employment.

External Provider: a business/individual that receives remuneration from a TAFE College to provide a venue, service and/or expertise appropriate to a particular activity.

Work Placement: placement of student by the College in a relevant workplace for the purpose of workplace training and/or assessment of one or more units of competency.

Related Documents and Resources

Procedure: Absent Student/Non-Starter Student Follow Up DA15.10 WP

Reference: Student Code of Conduct DA15.2 R

Policy: Client Complaints PD05.3 P

Guideline: Racial and Sexual Harassment G18 AG05

Procedure: Student Disciplinary Action DA15.9 WP

Policy: Student Excursion, Off Campus Activity DA17.1 P

Form: Student Induction Checklist and Sign Off DA12 F01

Policy: College Vehicle Policy and Conditions of Use G17 P

Policy: Work Placement DA17 P

Ministerial Policy Statement: Vocational Education and Training for School Students in Western Australia

Procedure: Critical Incident Management OSH06 WP

Procedure: Leaving classes unattended DA09.3 WP

Policy: VET in Schools DA14.2 P

Policy: Procedures for Addressing Bullying and Harassment of Minors CID05.3 P

Form: Lecturer Pack Checklist DA08 F01

Underage Students (Minors) who want to Enrol Full Time at SRTAFE CID05 P

Occupational Safety and Health Policy OSH01 P

Occupational Safety and Health Accident and Hazard Report Form OSH01 F02

Policy: Induction of Trainers and Assessors DA07 P

DTWD [Duty of Care - VET in Schools \(VSS\) Attending TAFE Colleges](#) (See DET Our Policies).

TrainingWA website: <http://www.trainingwa.wa.gov.au>

Version Control

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