



# Policy: Duty of Care for Minors

## Purpose

The purpose of this policy is to inform all South Regional TAFE staff of their responsibilities to ensure reasonable care is provided for the safety, health and welfare of students under 18 years of age attending TAFE college programs.

Staff responsibility is to take reasonable measures in all circumstances to protect students from risks of 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 where preventative measures can be taken.

## Scope

This policy applies to:

- TAFE college staff, including management, academic staff/lecturers, non-teaching staff and volunteers; and
- External providers/contractors delivering services to students under 18 years of age on behalf of a TAFE college.

Students under 18 years of age may be participating in a program:

- As a full-time secondary student;
- Under a Notice of Arrangements;
- Under an exemption or Section 24 arrangement; or
- As post compulsory education.

When the term 'student' is used in this policy, it refers to students under 18 years of age in all instances.

This policy must be read in combination with other relevant SRTAFE policies.

Note: for VET Delivered to Secondary Students (VETdSS) the Schools retain the lead responsibility for the duty of care for their students who undertake a VET program within a SRTAFE as part of their full-time school studies. Refer to '*VET delivered to Secondary Students – College Policy*'.

## Procedure

Any activities undertaken by students under 18 years of age involve risk. So, particular attention must be given to ensure their safety, health and welfare.

Staff must exercise professional judgment to achieve a balance between ensuring that students do not face an unreasonable risk of harm, while encouraging students' independence and maximising vocational learning opportunities.

The nature and extent of the duty and what constitutes reasonable care will vary according to the circumstances and is based on a number of factors including, but not limited to:

- The student's age, experience and capabilities;
- Any physical and/or intellectual impairment;
- Medical condition(s);
- Behavioural characteristics;
- The nature of the program being delivered; and
- The nature of the environment.

### Frequently Asked Questions

These summarise procedures for students under 18 years of age.

#### 1. What information is given to parents/guardians before the student begins?

Key information is provided to parents/guardians/independent minors in a letter from the Managing Director at enrolment (Appendix A) or posted to them after the enrolment has been finalised.

This includes:

- That TAFE is an adult learning environment with a focus on developing skills to the standard required in the workplace;
- The level of unsupervised activities/times that students will experience while at TAFE;
- TAFE's expectations of students' attendance and behaviour; and
- Types of learning activities and situations students may be involved in.

#### 2. What if a student has a medical condition, or is seriously ill or injured?

##### Medical conditions

The college obtains information about a student's health from the *'Health and Consent Form'*, which is sent to parent/guardian with the letter from the Managing Director. Parents/guardians are required to provide a signed form at enrolment or shortly after to undertake study at SRTAFE.

Relevant health information supplied on the Health and Consent Forms will be forwarded by administration staff to either the Training Managers or Regional Campus Managers for distribution to appropriate lecturing staff, who should consider a *'Student Health Support Plan'* for the student.

SRTAFE 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.

##### Illness or injury

Staff follow the college's emergency procedures, which may include providing immediate assistance such as calling an ambulance or seeking medical attention. This is outlined in the *'Emergency Procedures for Staff and Students'*

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 your Training Manager or Regional Campus Manager and/or Student Services Officer.

If student is attending via the VET Delivered to Secondary Students (VETdSS) program, notify the VETdSS administration staff so they can also inform the school.

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

Lecturing and other college staff are encouraged to contact parents/guardians/independent minors to discuss any or all of the following as they arise, and according to other relevant policies/processes:

- Behavioural issues
- Student illness or serious injury
- Academic progress not sufficient / risk of non-completion
- Three consecutive unexplained absences
- Other matters which may impact on the student's training

Student Services at Albany or Bunbury campuses may be called on to assist with counselling a student and contacting a student's parent/guardian.

Parent or guardian contact details can be obtained from the Student Management System by admin staff or Student Services.

If student is attending via the VETdSS program, please notify the VETdSS administration staff so they can also inform the school.

### 4. What is the procedure for independent minors?

It is recognised that the reporting and signature requirements for under 18 students may not be suitable in all cases. These students will need to apply for Independent Minor status.

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

Once a student has been granted Independent Minor status, they will be required to produce the college's letter of approval at all times when a parental consent is required e.g. for an excursion or work placement.

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

Lecturing staff will provide students with an induction and Learning and Assessment Plan at the commencement of their course, as for all students who commence their training at SRTAFE. Refer to '*Process: Student Induction (General)*' and '*Form: Student Induction Checklist and Sign Off*'

### 6. What happens when a student is absent?

SRTAFE has a responsibility to report student absences to the parent/guardian within three working days where students are absent from an entire on-campus scheduled class, except if they are:

- Secondary students – this is reported directly to the school;
- Apprentices/trainees – this is reported directly to employers;
- International students; or
- Fee for service clients.

Parents/guardians are sent an automated text message via the SMS for each absence.

### 7. What level of supervision is required for students, and what is needed for class cancellation or early finishes?

Lecturers are required to supervise all students in their care during their scheduled classes. For under 18 students, staff must exercise their professional judgement 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 '*Process: Leaving Classes Unattended*'.

For cancelled classes, staff will endeavour to inform the students and their parent/guardian prior to attendance; however, this isn't always possible. In the event classes are cancelled SRTAFE does not provide alternative study options.

If a day time class (between 8.00am – 5.30pm) finishes earlier to the scheduled time, students will be released from class and will not be supervised. It is encouraged that your applicable regional administration staff or Albany and Bunbury Student Services staff are notified of under 18 students who finish early, to give assistance.

If a class scheduled to finish after 5.30pm finishes earlier than the scheduled time, the students will remain under the supervision of the lecturer until the scheduled class finish time. If a student indicates that they have their own transportation, or have arranged transportation with friends in the class, a discussion will be held between the student and the lecturer to confirm this, which may require confirmation from parent/guardian if possible, and they will be released from class at the earlier time.

### **8. What happens if a student is disruptive or behaves inappropriately?**

If a student is displaying inappropriate behaviour contrary to the 'Student Code of Conduct', lecturers should follow an appropriate sequence of steps as per the 'Student Disciplinary Action' policy and process.

Staff at the two major centres are encouraged to contact Albany and Bunbury Student Services staff for assistance. Student Services can also arrange counselling and support for students as required, and assist lecturers with formal steps outlined in the 'Student Disciplinary Action' policy.

For under 18 students, any discussions with students 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.

For VETdSS students with behavioural or progress issues, lecturers or their Coordinator/Manager complete a 'Letter of Concern' and submit it to college VETdSS staff who send it to schools on their behalf.

### **9. What happens if a student reports incident of bullying, harassment, or sexual assault?**

SRTAFE 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
- Student Services
- Student Counsellor

If a college staff member becomes aware of any bullying, harassment or harassment of students they must inform their Training Manager or Regional Campus Manager/Director and follow the '*Procedures for Addressing Bullying and Harassment of Minors*'.

Section 124B of the Children and Community Services Act 2004 states that specific professions have a duty to report child sexual abuse. This includes persons who provide instruction in a university, VET or other approved course as per section 11B(1), (a), (b), or (e) of the School Education Act 1999 (SEA);

### **10. What if a student is inappropriately dressed, or doesn't have requires safety equipment?**

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 Delivered to Secondary Students - Notify VETdSS team who will 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 Regional Campus Manager to rectify.

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

Parents/guardians of under 18 students will be given all relevant information about the excursion in a timely manner, including full details of time, location, cost, travel plans, educational/training activities, and supervision and transport arrangements.

Parents/guardians must will sign an 'Off Campus Consent form' acknowledging the receipt of the excursion information and provide medical history, any medication requirements and giving their consent for their child to participate. All consent forms must be signed prior to the activity taking place.

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.

Refer to: *'South Regional TAFE Excursion Policy'*.

### **12. What arrangements are there for student travel?**

Parents or guardians are responsible for their child's travel arrangements to and from TAFE, between campuses as well as for excursions and work placements.

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.

### **13. What if a student appears at risk academically or not engaging in a course?**

If any college staff member feels that a student is at risk of non-completion or disengagement, they are encouraged to contact parents/guardians/independent minors/school to discuss student progress as soon as an issue becomes apparent.

For Albany and Bunbury campuses, Student Services staff should also be informed.

For VETdSS students the VETdSS administration team should be contacted to inform the school.

Support via the 'Course in Applied Vocational Study Skills' (CAVSS) is accessible. There is also support for Aboriginal and Torres Strait Islander students through our Aboriginal Programs Officers.

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

When planning the delivery of programs, Training Managers and Regional Campus 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

### **15. Who is responsible for assigning appropriate staff?**

Training Managers and Regional Campus Managers must ensure:

- there is an appropriate staff member in charge of each program; and
- all staff and employees, external providers/contractors and volunteers:
  - have the skills to identify and manage potential risks, establish a safe environment, respond to emergencies, and monitor and assess the safety and wellbeing of the students under 18 years of age;
  - are made aware of their responsibilities in relation to exercising their duty of care to students;
  - are provided with appropriate training to support them to undertake their duties;
  - meet the requirements of the Working with Children (Criminal Record Checking) Act 2004; and
  - Undertake a Criminal Screening Check.

### **16. What implications are there when using external providers?**

Where the college uses external providers to assist in delivering a program, the Training Manager or Regional Campus Manager must ensure that any external provider/contractor engaged to deliver a training program to students under 18 years of age:

- meets the requirements for teaching students under 18 years of age, as outlined in these procedures under 'Assigning staff';
- is competent to deliver the contracted service with appropriately qualified staff with relevant experience;
- has the appropriate level of public liability insurance; and
- clearly understands the roles and responsibilities of both parties and has signed a Memorandum of Understanding (MOU) with the college, which details these roles and responsibilities.

When the services of external providers/contractors are engaged, the college must ensure that indemnities, disclaimers or other documents are not signed which absolve the agency or company from liability for their own negligent acts or omissions.

### **17. What insurance provision is there in place for students?**

Students are not covered for Personal Accident whilst on campus; however SRTAFE does hold cover with the Insurance Commission of WA (RiskCover). This cover provides Personal Accident cover for students who are undertaking unpaid work experience that is allocated or arranged by SRTAFE.

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 SRTAFE.

The onus is placed on the parents/guardians/responsible adult 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.

**18. 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.

**19. If I still have questions**

Speak with your Training Manager or Regional Campus Manager. Student Services officers are also helpful in assisting with any issues which may arise in class that affect a student under the age of 18. For any VETdSS questions speak with a VETdSS staff at either Albany or Bunbury.

## Important information concerning students under 18 years of age

Dear Parent/Guardian,

As you will appreciate, the learning and social environment at South Regional TAFE is very different from secondary education. South Regional TAFE would like to provide you with further information which we hope you find useful.

### 1. South Regional TAFE environment

South Regional TAFE is a vocationally oriented, adult learning environment. It prepares students for employment in their career of choice and must out of necessity provide a mature age learning environment to responsibly prepare students for the workforce. At the same time students range in age from mid-teens to retirees and so for some students, the training experience provides a transition from a school environment to an adult, employment-focused environment. South Regional TAFE must therefore operate as an adult environment and so all students are expected to act in a mature manner.

### 2. Induction, attendance and absences

Students will receive a course induction at which a program outline and timetable outlining their scheduled classes/activities will be issued. We strongly advise that you discuss the timetable with your child to ensure such things as transport to and from South Regional TAFE is arranged and activities between class training are constructively utilised.

Attendance is recorded in every class. If your child is absent from an entire scheduled on-campus class you will be notified within three working days of the absence. If you change your address and/or telephone contact details please ensure you contact your child's campus to update this information.

If your child is undertaking an apprenticeship you will not be notified of their absence, however we will inform their employer of the absence.

If your child is in a VET Delivered to Secondary Students program you will not be notified of their absence, however we will inform their school of the absence, who will notify you.

### 3. Classroom environment

South Regional TAFE is an adult learning environment with a focus on developing skills to the standard required in the workplace, so this means that:

- Students are responsible for their own learning and are expected to manage their workload, seeking assistance from academic staff when needed.
- Students aged under 18 years of age may be in classes with adult students (those aged 18 and over).
- Students aged under 18 years of age may be required to work on projects with adult students and this may involve working and communicating with such students outside of normal class or study hours.
- Learning activities at South Regional TAFE are not limited to lessons in a classroom environment and may include:

- lectures
  - tutorials
  - flexible
  - online
  - group work
  - assessments
  - workshops
  - seminars
  - research
  - seminars
  - project work
  - work experience/industry placement/ field work/on the job training
- Course hours include a wide range of training and assessment activities and may not always be used for classroom teaching.
  - Classes/activities are scheduled for a specific timeframe however if a student is able to demonstrate competency prior to the final class, they may not need to attend the remaining scheduled classes/activities.
  - Students aged under 18 years of age share facilities such as the library, canteen, gym and computer labs with adult students.
  - Some courses are delivered across more than one campus or involve a workplace. In such instances, parents/guardians/responsible adults are responsible for their child's travel arrangements to and from South Regional TAFE and between campuses.
  - South Regional TAFE courses are scheduled differently from secondary education classes, so there may be lengthy breaks between classes, days when no classes are scheduled and varying class times. South Regional TAFE students are expected to manage their unscheduled time for themselves in a way that optimises their learning experience.
  - In the event that classes are cancelled, staff will endeavour to inform the students prior to attendance; however, this isn't always possible. In the event that classes are cancelled South Regional TAFE does not provide alternative study options.
  - If a day time class (between 8.00am–5.30pm) finishes prior to the scheduled time, students will be released from class and will not be supervised.
  - If a class scheduled to finish after 5.30pm finishes prior to the scheduled time, the students will remain under the supervision of the lecturer until the scheduled class finish time. If a student indicates that they have their own transportation, or have arranged transportation with friends in the class, a discussion will be held between the student and the lecturer to confirm this and they will be released from class at the earlier time.
  - Students may be required to complete assessment tasks/assignments outside of their scheduled timetable. Some of these assessment tasks/assignments are undertaken in the community.

#### 4. Supervision

South Regional TAFE does not provide direct supervision of students outside of classroom lectures.

#### 5. Excursions

The parent/guardian/responsible adult will be provided with information on excursions prior to the event and written consent will be sought for students under 18 years of age, to participate in any excursions. If consent is not given, your child will not be able to attend the excursion and South Regional TAFE will not provide an alternative supervised activity. Students may be required to make their own way to excursions. In these situations, you will be responsible for organising transport to and from excursions for your child.

## 6. Health and safety

South Regional TAFE strives to provide an environment that supports the health and wellbeing of all of our students by:

- following relevant occupational health and safety policy, guidelines and practices;
- providing first-aid assistance to students;
- providing assistance, and if necessary arrange qualified medical personnel in an emergency;
- promoting a friendly and inclusive environment where bullying and any form of harassment are not accepted. Any student experiencing bullying or harassment of any kind should inform a South Regional TAFE staff member immediately;
- ensuring all relevant staff have a Working with Children Check subject to the
- *Working with Children (Criminal Record Checking) Act 2004*;
- implementing the Emergency Response Plan in case of an emergency; and
- ensuring you are contacted if your child is seriously injured or involved in a serious incident.

It is the responsibility of parents/guardians/responsible adults to inform South Regional TAFE of any medical conditions your child has that may impact on their ability to undertake their course; or if there are any changes to your child's medical condition throughout your child's enrolment.

If you would like to discuss any concerns regarding the health care of your child, please contact Student Services staff at either Albany or Bunbury campuses.

## 7. Insurance

Students are not covered for Personal Accident whilst on campus however, South Regional TAFE does hold cover with the Insurance Commission of WA (RiskCover). This cover 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/guardians/responsible adult 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.

## 8. General

South Regional TAFE staff and students are expected to:

- be aware of relevant policies, procedures and instructions;
- comply with these policies, procedures and instructions;
- take reasonable care of themselves and others; and
- read and take note of the Student Code of Conduct.

## Parental consent

As part of South Regional TAFE commitment to providing a safe and responsible environment, you are asked to sign and return the attached *Consent and Health Care Information form*, confirming that you have read and understood the information contained in this letter, that the information provided is correct, and that you consent to your child being a student at South Regional TAFE.

Signing of the *Consent and Health Care Information form* is valid for this course. Each new course enrolment will require the completion of another *Consent and Health Care Information form*.

If your child has been granted an Exemption or Section 24 Arrangement, you will need to ensure that you seek an extension to these arrangements, if your child wishes to continue with their studies beyond the end date of the Exemption or Section 24 Arrangement.

If you have any questions or concerns regarding this letter, or the *Consent and Health Care Information form*, please contact the South Regional TAFE campus your child is studying with.

Yours sincerely,

Duncan Anderson  
Managing Director  
South Regional TAFE

## 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:** A person who is entrusted by law with the care of a student under 18 years of age.

**Independent minors:** Students under 18 years of age living independently whom the Managing Director or nominee decides may sign their own consent forms.

**VET Delivered to Secondary Students:** refers to a student attending a course at a State Training Provider while enrolled full-time at secondary school.

**Excursion:** Any student learning activity conducted off the site of the college at which the student is enrolled, that is organised by staff and has gained the appropriate approval(s) (including work placements other than paid employment).

**External Provider:** A business or individual contracted by the 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.

**Reasonable Care:** Reasonable care for students may assume different meanings depending on the context. However, examples include, but are not limited to, not putting students at risk by doing something or failing to do something that could cause the student to suffer injury or harm, taking precautions, intervening to prevent obvious hazards from causing injury or harm, following safety procedures and providing adequate instructions to students.

**Notice of Arrangements (NOA):** Approval for a student in their final years of compulsory education (in the birth date range of the typical year 11 and 12 student) to undertake alternative activities to full-time school, such as approved forms of education, training or employment, or a combination of these.

## Related documents and references

Reference: Student Code of Conduct

Policy: Client Complaints

Guideline: Racial and Sexual Harassment

Process: Student Disciplinary Action

Policy: Student Excursion, Off Campus Activity

Form: Student Induction Checklist and Sign Off

Policy: College Vehicle Policy and Conditions of Use

Policy: Work Placement

Form: Student Health Support Plan

Process: Emergency Procedures for Staff and Students

Process: Leaving Classes Unattended

Policy: VET Delivered to Secondary Students – College Policy

Policy: Procedures for Addressing Bullying and Harassment of Minors

Form: Lecturer Pack Checklist

Policy & Process: Underage Students (Minors) who want to Enrol Full Time at SRTAFE

Occupational Safety and Health Policy

Occupational Safety and Health Accident and Hazard Report Form

Policy: Induction of Trainers and Assessors

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

DTWD Duty of Care Policy for Minors Attending TAFE Colleges

Department of Training & Workplace Development website: <https://www.dtwd.wa.gov.au>

## Version control

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|-----------------------|----------------------------------|
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