



Government of **Western Australia**
Department of **Training**
and **Workforce Development**

DUTY OF CARE POLICY
FOR
MINORS ATTENDING TAFE COLLEGES

EFFECTIVE: 12 JULY 2016

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POLICY STATEMENT

This policy informs TAFE Colleges of their responsibility to ensure reasonable care is provided for the safety, health and welfare of students under 18 years of age (minors) participating in vocational education and training (VET) programs.

Managing Directors are responsible for establishing and maintaining duty of care policies and procedures for all students who are minors whilst they are attending programs with the TAFE College.

SCOPE

This policy applies to:

- TAFE College staff, including management, academic staff, non-teaching staff and volunteers; and
- external providers/contractors delivering services to minors on behalf of a TAFE College.

PRINCIPLES

This policy is based on the following principles:

- The State of Western Australia, as the education authority, owes a non-delegable duty of care to students regardless of the person performing that duty.
- The duty owed to minors is not to ensure that no harm will ever occur, but rather a duty to take such measures as are reasonable 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 against which preventative measures can be taken.
- TAFE Colleges owe a duty of care to minors participating in college programs, that is, a duty to take reasonable care for their health and safety. The duty arises out of the teacher/student relationship and exists whether students are on college premises or engaged in off campus activities.
- In discharging their duty of care responsibilities, staff must exercise their professional judgement to achieve a balance between ensuring that students do not face an unreasonable risk of harm, and encouraging students' independence and maximising vocational learning opportunities.
- Non-academic staff, volunteers and external providers who perform tasks that require them to take care of students in the absence of academic staff also owe a duty to take such measures as are reasonable in all the circumstances to protect students from risk of harm that reasonably ought to be foreseen.

BACKGROUND

Any activities undertaken by minors involve risk. Therefore, particular attention must be given to ensuring their safety, health and welfare. TAFE Colleges need to consider how to achieve a balance between the meticulous supervision of students and the desirable objective of encouraging their independence and advancing their education.

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 intellectual impairment;
- medical condition(s);
- behavioural characteristics;
- the nature of the program being delivered; and
- the nature of the environment.

This policy addresses how TAFE Colleges discharge their duty of care to students. 'Duty of care' is a legal concept that has its origins in the common law. The common law is a collection of legal principles that have been established over time by the courts. When minors are involved, the duty of care principle not only underpins, but to a large extent drives the policies and practices of the college.

DEFINITIONS AND ACRONYMS

Definitions and acronyms used in this policy and the procedures are provided in Appendix 2.

PROCEDURES

Managing Directors are responsible for ensuring that program plans for training programs address the risk factors that may exist for both minors and staff. Managing Directors may assign some tasks to staff, including a college nominee whose role may be shared.

Parents, guardians, responsible adults of minors and independent minors must be given sufficient detail about the program and the nature of the learning environment to make informed choices. Parent/guardian/responsible adult consent must be sought for their child to participate in a program, except in the case of independent minors.

Procedures to assist Managing Directors to manage and discharge their duty of care to minors are provided in Appendix 1.

RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

The following policies and documents also relate to this policy:

- Department of Training and Workforce Development:
 - *Apprenticeship and Traineeship Policy*
 - *Duty of Care Policy for Minors Participating in Education or Training at Muresk Institute*
 - *International Students Policy for the Care of Students Under the Age of 18*
 - *School Based Apprenticeship and Traineeship Policy 2014*
 - *Western Australian VET Enrolment Data Standard*
- Department of Education:
 - *Duty of care for students*
 - *Duty of care for VET school students (VSS) attending TAFEWA College Programs*
 - *Guidelines for Section 24, Alternative Attendance Arrangements*
- Other:
 - *Public Service and Government Officers General Agreement 2014*
 - *TAFE College's Code of Conduct*
 - *Western Australian TAFE Lecturers' General Agreement 2014*

RELEVANT LEGISLATION

- *Children and Community Services Act 2004*
- *Disability Discrimination Act 1992 (Cth)*
- *Equal Opportunity Act 1984*
- *Occupational Safety and Health Act 1984*
- *Occupational Safety and Health Regulations 1996*
- *School Education Act 1999*
- *School Education Regulations 2000*
- *Workers Compensation and Injury Management Act 1981*
- *Working with Children (Criminal Record Checking) Act 2004*
- *Working with Children (Criminal Record Checking) Regulations 2005*
- *Vocational Education and Training Act 1996*
- *Vocational Education and Training (General) Regulations 2009*
- *Volunteers (Protection from Liability) Act 2002*

REVIEW DATE

12 July 2017

CONTACT INFORMATION

For information related to this policy:

VET System Policy
 Policy, Planning and Research
 Phone: (08) 6551 5527

For information related to the procedures:

Training Provider Governance
 Service Resource Management
 Phone: (08) 6551 5622

**PROCEDURES FOR THE
DUTY OF CARE POLICY
FOR
MINORS ATTENDING TAFE COLLEGES**

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INTRODUCTION

Managing Directors are responsible for establishing and maintaining duty of care policies and procedures for all students who are minors whilst they are attending programs with the TAFE College.

Managing Directors are responsible for ensuring that program plans for training programs address the risk factors that may exist for both minors and staff. Managing Directors may assign some tasks to staff, including a college nominee whose role may be shared.

Parents, guardians, responsible adults of minors and independent minors must be given sufficient detail about the program and the nature of the learning environment to make informed choices. Their consent must be sought for their child to participate in a program, except in the case of independent minors.

These procedures will assist Managing Directors to manage and discharge their duty of care to minors. A sample parent letter and a *Consent and Health Care Information form* which can be adopted by TAFE Colleges are also included (see Appendix A).

PROCEDURES

1 Establishing a training program

The Managing Director must ensure that duty of care provisions for minors are considered in all circumstances and communication strategies are in place for parents/guardians/responsible adults, students and staff.

The Managing Director will appoint a college nominee as the person responsible for undertaking the college's responsibilities during the training program involving minors and provide them with the authority to influence or direct the actions of students or other employees involved in the training program.

The TAFE College nominee will:

- take responsibility for the supervising arrangements of the training program;
- ensure any necessary training is delivered to employees to clarify and explain the training program; and
- approve all program plans for training programs involving delivery to minors.

The TAFE College must seek consent for the minor's participation in the training program from the parent/guardian/responsible adult.

The TAFE College must ensure that program plans for proposed training programs provide an account of:

- the risks including:
 - environment;
 - capabilities of the supervisory team;
 - students' physical capacity in relation to activities;
 - the management of student injury and illness;
 - harassment and sexual harassment;
 - student behavioural management strategies;
 - communication strategies before, during, and after emergencies;
 - transport arrangements between school and the college;
 - involvement of external providers;
 - excursions;
 - insurance; and
- the means of selecting staff and student participants.

Students who have not reached their 16th birthday by the end of the current calendar year and are not participating through a VET in Schools enrolment must have written approval to participate in the program through either an Exemption or Section 24 Arrangement.

Guidelines

A generic duty of care statement should be included in all qualification delivery and assessment strategy documents.

TAFE Colleges will ensure that delivery sites have been assessed to meet occupational, health and safety standards and duty of care issues and this information is added to the training and assessment strategy document including, where applicable:

- risks;
- the means of selecting staff and student participants (Procedure 2); and
- information to be provided to parents/guardians/responsible adults for consent (Procedures 3 and 4).

2 Identifying and assigning staff

The TAFE College's nominee must ensure:

- there is an appropriate staff member in charge of each program;
- staff have appropriate experience, knowledge and skills to identify and manage potential risks at any stage during a program;
- all staff/volunteers have a Criminal Screening Check; and
- all staff (including volunteers and casuals), in child-related employment are subject to the requirements of the *Working with Children (Criminal Record Checking) Act 2004*.

Collectively, the academic staff must have the skills to:

- identify and manage potential risk;
- establish a safe environment;
- respond to emergencies; and
- monitor and assess the safety and wellbeing of the students.

Where a member of the college's non-teaching staff, an external provider or a volunteer agree to perform tasks that require them to care for minors in the absence of a member of the academic staff, the suitability of that person for the task must be taken into account.

3 Student entry and enrolment

The TAFE College's nominee must:

- provide information to enable parents/guardians/responsible adults/independent minors to make informed decisions, (see sample Appendix A) including information on the nature of the learning environment;
- seek consent for the minor's participation in the training program from the parent/guardian/responsible adult;
- obtain the mandatory parent/guardian/responsible adult's details (see sample Appendix A);
- ensure an induction program takes place;
- seek health care information about the minor from the parent/guardian/responsible adult/independent minor (see sample Appendix A);
- reassess the minor's capacity to study, if any circumstances change that may impact on the activities to be undertaken; and
- follow a defined set of criteria to deem a minor an 'independent minor'. Formal documentation of this assessment must be kept.

The information provided to the parent/guardian/responsible adult/independent minor must also outline their responsibility to:

- inform the college of any medical conditions or changes to their child's medical condition;
- organise their own transport arrangements for the child; and
- seek extension of their child's enrolment if their child is enrolled under an Exemption or Section 24 Arrangement, and wishes to continue their studies.

Minors can:

- undertake the enrolment process without the consent of a parent/guardian/responsible adult, however, the parent/guardian/responsible adult of the minor will be required to sign a consent form;
- apply for an instalment plan to pay fees over time or to request a fee waiver; and
- process a course withdrawal or change their course enrolment, but refunds can only be made to the original payer of fees (usually parent/guardian/responsible adult).

Students who do not reach their 16th birthday by the end of the current calendar year and are not participating through a VET in Schools enrolment, are not to be enrolled until:

- the minor and parent/guardian/responsible adult have negotiated and received approval for enrolment in a training program with the college; and
- the parent/guardian/responsible adult/independent minor has written approval to undertake a training program with a TAFE College through either an Exemption or Section 24 Arrangement.

Documentary evidence of approvals is to be kept on the student's file.

Guidelines

Student entry and enrolment

To be offered a full time place, minors will first be assessed by TAFE Admissions to ensure that they have met the Minimum Entrance Requirements.

At the completion of the enrolment, the TAFE College will send the parent/guardian/responsible adult of all minors and independent minors (with the exception of VET in Schools students and international students) a letter which:

- contains information about the college environment;
- informs them that at the beginning of the training program students will:
 - attend an induction program and
 - receive detailed course outlines and information;
- requests them to complete the parent/guardian/responsible adult *Consent and Health Care Information form*; and
- provides a contact number for all duty of care enquiries.

The letter will be sent to the parent/guardian/responsible adult/independent minor at the commencement of the first semester of study.

Subsequent letters will be sent each semester if the minor changes their course enrolment or their enrolment type. The *Consent and Health Care Information form* remains valid for the duration of the course if there is no change to the course enrolment or enrolment type. If a response is not received from the first letter, one follow up letter will be sent.

Exemptions and Section 24 Arrangements

If a minor has been granted an Exemption or Section 24 Arrangement for a term/semester, it is the responsibility of the parent/guardian/responsible adult/independent minor to seek a further extension to these arrangements if the minor wishes to continue with their studies.

Mandatory guardian details

Mandatory parent/guardian/responsible adult/independent minor details include: – name, address and phone numbers.

Independent minor

The TAFE College's nominee can deem a student an 'independent minor' as per sector procedures. Formal documentation of this assessment must be kept.

General

The TAFE College's website and correspondence from TAFE Admissions provide relevant links/information about duty of care arrangements for minors to assist parents/guardians/responsible adults/independent minors to make informed choices.

4 Parent information and consent

The TAFE College's nominee must:

- provide information to enable parents/guardians/responsible adults/independent minors to make informed decisions (see sample Appendix A) about the minor's participation in the program, including information on the nature of the learning environment;
- seek written consent for the minor's participation in the training program from the parent/guardian/responsible adult (see sample Appendix A);
- seek health information (see sample Appendix A); and
- ensure minors do not participate in excursions where parental/guardian/responsible adult approval has not been gained.

The TAFE College's nominee must also advise parents/guardians/responsible adults/independent minors of their responsibility to:

- inform the TAFE College of any medical conditions that the minor has that may impact on their ability to undertake their course;
- contact the college if they have any concerns regarding the minor's health needs;
- discuss the management of the minor's medical condition with the college's staff; and
- inform the college if the minor's medical information changes throughout the course of their enrolment.

Guidelines

A *Notice of Arrangement form* is not required if the parent/guardian/responsible adult/independent minor has signed the *Consent and Health Care Information form*.

It is recognised that TAFE Colleges are not in a position to administer medications to minors who are students however, if a parent/guardian/responsible adult does contact the college to discuss the health care of their child, alternative options should be discussed with the parent/guardian/responsible adult.

5 Brief students and staff

The TAFE College's nominee must ensure:

- all relevant information about respective responsibilities and obligations is communicated to minors and relevant staff; and
- student orientation/inductions sessions are held at the commencement of the training program.

The following topics must be included in an induction program:

- emergency procedures, including accidents and class cancellations;
- processes for communicating absences and incidents;
- methods of travel;
- protective behaviours including how to deal with sexual harassment, harassment and bullying;
- health care information;
- occupational safety and health, including emergency procedures and the appropriate use of any equipment;
- the role of staff; and
- the rights and responsibilities of minors, including standards of acceptable behaviour and attendance.

The TAFE College nominee must ensure that staff induction programs include information about the duty of care for minors at the college and cost centre level.

6 Student injury and illness

The TAFE College's nominee must:

- seek to obtain information about a minor's health (see sample Appendix A).
- in cases of serious injury, incident or illness, immediately seek to contact the minor's parent/guardian/responsible adult or employer;
- provide relevant information to all staff who have responsibility for the minor; and
- implement the college's emergency response plans, if required.

If medical assistance is required, TAFE Colleges will implement the college's emergency response plan and provide immediate assistance, such as calling an ambulance or seeking medical attention from a medical practitioner in a medical emergency.

TAFE College employees must report and record all incidents as per the college's reporting policies.

It is the parent/guardian/responsible adult's responsibility to:

- inform the TAFE College of any medical conditions that their child has that may impact on their ability to undertake their course;
- contact the college if they have any concerns regarding their child's health needs;
- discuss the management of their child's medical condition with the college's staff; and
- inform the college if their child's medical information changes throughout the course of their enrolment.

It is recognised that TAFE Colleges are not in a position to administer medications to students however, if a parent/guardian/responsible adult does contact the college/institution to discuss the health care for their child, alternative options will be discussed with the parent/guardian/responsible adult.

Guidelines

The parent/guardian/responsible adult will be requested to complete the *Consent and Health Care Information form* (Appendix A).

7 Harassment or sexual harassment

The TAFE College's nominee will advise minors that if they experience bullying, harassment or sexual harassment during a program, they must immediately inform:

- their parent/guardian/responsible adult; and
- the program manager, lecturer or TAFE College nominee.

TAFE College employees who become aware of any bullying, harassment or sexual harassment of minors must follow relevant college policy and procedures.

The TAFE College nominee must report all allegations of sexual harassment involving minors directly to the Managing Director.

TAFE Colleges will notify the parent/guardian/responsible adult of any situation involving their child.

Guidelines

Mandatory reporting requirements

Section 124B of the *Children and Community Services Act 2004*, states that specific professions, including teachers, have a mandatory requirement to report child sexual abuse. Under the following circumstances, lecturers are considered to be mandatory reporters, if they:

- are registered or provisionally registered with the Teacher Registration Board of Western Australia (TRBWA) and working at a school site;
- are registered or provisionally registered with the TRBWA and working at the college;
- hold a Limited Authority to Teach (LAT) and working at a school site; and
- hold a Limited Authority to Teach (LAT) and working at the college.

8 Student management strategies

The TAFE College's nominee must:

- ensure that the health, safety and welfare of minors is maintained during periods of instruction;
- ensure each staff member employed in child-related work has met the requirements of the *Working with Children (Criminal Record Checking) Act 2004*;
- determine the number of staff involved in the program and strategies to be used;
- approve the program plan, including number of staff and strategies for training programs involving minors;
- ensure that requirements of academic staff are considered in accordance with:
 - students' ages, experience and ability
 - students' medical conditions or disabilities
 - staff competence and experience
 - type of activity to be undertaken
 - the nature of the environment
 - the location of the activity
 - any circumstances where minors are not in clear view of staff (study breaks excepted)
- provide advice and guidance to minors regarding expectations of attendance and appropriate behaviour;
- make parents/guardians/responsible adults/independent minors aware of unsupervised aspects of the TAFE College's environment;
- ensure that attendance is recorded;
- notify employers of apprentices and trainees of absences and/or schools where appropriate;
- notify the parent/guardian/responsible adult within three working days of an absence where the minor was absent from an entire on-campus scheduled class, indicating that their child was absent on a specific date;
- ensure absence data is captured in an electronic form and reported to the Department of Education on a regular basis and in line with the Raising of the School Leaving Age legislation;
- take action if informed by the academic staff that the behaviour of a minor is inappropriate, as per the college's policy(s) and procedures; and
- contact the parent/guardian/responsible adult and seek intervention for serious or repeated incidents and clarify the conditions for continued participation in the course, as per the college's policy(s).

Partial absences do not need to be reported, with the exception of apprentices and trainees.

Academic staff must:

- supervise minors in their care during scheduled classes;
- record attendance for each session class/session
- submit a record of absence, on a daily basis, to the appointed administrative staff, for every minor who is absent for the entire on-campus scheduled class; and
- inform the TAFE College's nominee if they are aware that a minor is ill, seriously misbehaves or behaves in a manner that puts themselves or others at risk of injury or harm.

Administrative staff must:

- collect the record of absence forms and record the information as per the college's processes; and
- report absences to parents/guardians/responsible adults, by SMS/phone/letter/email, within three working days, where the minor was absent from an entire on-campus scheduled class, indicating the specific date.

Absences do not need to be reported to parents/guardians/responsible adults of minors, if they are:

- secondary students – this is reported directly to the school;
- apprentices – day/block release – this is reported directly to employers;
- international students; or
- fee for service clients.

Absences for these students will be managed according to legislative and/or current college requirements.

Guidelines

Recording absences

Non-attendance of minors must be captured daily for delivery modes:

- 01 – Local face to face class; and
- 03 – Self paced-scheduled.

Non-attendance of minors *does not need* to be captured for the following delivery modes:

- 02 – Remote live electronic conferencing
- 04 – Self paced-unscheduled
- 05 – External studies
- 06 – Workplace learning
- 08 – Video/Television based learning
- 09 – Online learning

For further information, please refer to the *Western Australian VET Enrolment Data Standard* on the Department of Training and Workforce Development website.

Collection of absences

Academic staff must submit a record of absence, on a daily basis to the appointed administrative staff, for every minor who is absent for a whole on-campus scheduled class, in the two delivery modes identified above.

9 Communication strategies

The TAFE College's nominee must ensure that communication strategies and processes are in place for students who are minors, parents/guardians/responsible adults and staff.

- Students who are minors:
The TAFE College's nominee must put in place a management process for minors that includes:
 - an induction;
 - course information;
 - information regarding the college's environment;
 - a code of conduct;
 - roles and responsibilities; and
 - expectations.
- Parents/guardians/responsible adults:
The TAFE College's nominee must put in place a management process that provides parents/guardians/responsible adults with a letter which:
 - contains information about the college's environment;
 - informs them that the minor will attend an induction program and receive detailed course outlines and information at the beginning of their training program;
 - includes a *Consent and Health Care Information form* (see sample Appendix A); and
 - provides a contact number if parents/guardians/responsible adults wish to speak to a staff member.
- Staff:
The TAFE College's nominee must put in place a management process that informs staff of their roles and responsibilities of staff in relation to the duty of care of minors and include information on:
 - inductions;
 - excursion procedures;
 - documentation requirements;
 - record keeping requirements;
 - establishing communication strategies to ensure all staff are informed;
 - information on alternative arrangements where there is a failure of the primary communication method;
 - incident reporting procedures involving serious misbehaviour, medical emergencies, harassment and sexual harassment and absences; and
 - requirements of the *Working with Children (Criminal Record Checking) Act 2004*.

The TAFE College will have a process in place for informing the:

- Managing Director of all serious issues, injury or incidents involving minors; and
- parents/guardians/responsible adults in the case of a medical issue or emergency or other serious incident.

Guidelines

The TAFE College's website and correspondence from TAFE Admissions should provide relevant links/information about the duty of care arrangements for minors to assist parents/guardian/responsible adults/independent minors to make informed choices about the minor's participation in a training program.

Duty of care issues will be addressed through the academic areas.

10 Student movement arrangements

The TAFE College's nominee must ensure:

- attendance rolls are maintained;
- the use of private and commercial vehicles complies with college policy;
- the parent/guardian/responsible adult is notified through the information consent letter that they will be responsible for the minor's travel arrangements to and from the college and between campuses as well as excursions and work placements; and
- parents/guardians/responsible adults/independent minors and academic staff are provided with information outlining the policy for releasing minors from class where the class finishes earlier than scheduled.

Guidelines

Early release from day time classes

Where a day time class (8.00am–5.30pm) finishes before the scheduled time, minors will be released from class and will not be supervised.

Early release from classes finishing after 5.30pm

Where a class which is scheduled to finish after 5.30pm, finishes prior to the scheduled time, minors will remain under the supervision of the lecturer until the scheduled class finish time. In the event that the minor leaves the class of their own accord, indicates that they have their own transportation, or have arranged transportation with friends in the class, that a note of this will be made and the minor will be released from class prior to the scheduled finish time.

11 Involvement of external providers

The TAFE College's nominee must be satisfied that any external registered training organisation (RTO) contracted to assist in delivering training programs involving minors:

- is competent to provide the contracted service with appropriately qualified staff with relevant experience;
- undertakes a Criminal Screening Check, where relevant;
- meets the requirements of the Working with Children Check as outlined in the *Working with Children (Criminal Record Checking) Act 2004*, where relevant;
- has the appropriate level of public liability insurance; and
- clearly understands the respective responsibilities of TAFE College staff and the external RTO (e.g. through a Memorandum of Understanding).

When the services of other government agencies or private companies are engaged, the TAFE College nominee 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.

12 Excursions and work placements

The TAFE College's nominee must ensure:

- that staff organising excursions have sought to have the excursion approved, as per the college's policy;
- existing policies in relation to excursions and work placements are implemented and followed by staff organising the excursion/work placement;
- all excursions have an emergency response and risk management plan;
- all off site delivery is captured by excursion forms;
- written permission to attend the excursion is sought from parents/guardians/responsible adults of all minors;
- parents/guardians/responsible adults understand that if permission is not received that the minor will not be able to attend the excursion and the college will not put in place an alternative care strategy; and
- parents/guardians/responsible adults are made aware that they are responsible for the minor's travel arrangements to and from the college and between campuses as well as excursions and work placements.

Staff organising the excursion must:

- ensure the TAFE College's nominee and parents/guardians/responsible adults are provided with the following details:
 - the purpose of the excursion
 - date(s)
 - activities to be undertaken
 - duration of activity(s)
 - location of activity(s) (including alternative venues)
 - supervision to be provided
 - staff action in case of student accident or illness on the excursion
 - liability for loss or damage to student property and medical costs incurred in case of accident or illness
 - student contact arrangements during the excursion
 - transport arrangements
 - cost
 - special clothing or other items required;
- ensure parents/guardians/responsible adults are informed that if the *Consent and Health Care Information form* is not completed and returned or if permission is not received that the minor will not be able to attend the excursion/work placement and that the college will not put in place an alternative care strategy;
- obtain the appropriate consent and health care information from the parent/guardian/responsible adult/independent minor;
- ensure external providers have the appropriate level of public liability insurance; and
- maintain a record of all excursion planning documents.

13 Insurance issues and incidents

The TAFE College's nominee must provide written advice to parents/guardians/responsible adults/independent minors:

- that students are not covered for Personal Accident whilst on campus;
- that students will be covered for Personal Accident through the Insurance Commission of Western Australia (RiskCover) when:
 - undertaking unpaid work experience allocated or arranged by the college; and
 - attending any official TAFE College 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 the TAFE College;
- of liability risks; and
- of the use of external providers.

The TAFE College nominee must:

- assist minors in completing documentation related to incidents such as accidents; and
- provide the Managing Director with a copy of all completed incident reports.

Parents/guardians/responsible adults/independent minors should also be made aware that the onus is placed on them in relation to whether they arrange their own Personal Accident insurance or private health cover if they believe the current coverage is not adequate.

Guidelines

College work experience, field activity or excursion policies should be followed to ensure students are provided Personal Accident cover by RiskCover, if applicable, during these activities.

TAFE Colleges are indemnified for any action taken where it is deemed liable for injury or loss by an individual who seeks compensation.

14 Record of programs

TAFE Colleges will retain records of programs and student details in line with existing records management and retention policies for public documents.

APPENDIX A

<insert date>

Important Information Concerning Students under 18 Years of Age

Dear <Insert Parent Name>

We would like to welcome <Insert Students Name>, as a student at <Insert TAFE College name> into the <Insert Course name>. Our records indicate that <Insert Student's name> is under 18 years of age and as <insert gender e.g. his/her> parent/guardian/responsible adult we take this opportunity to provide you with further information about being a student at <Insert TAFE College name>.

As you will appreciate, the learning and social environment at <Insert TAFE College name> is very different from secondary education. You and <Insert student's name> may find it useful to consider the issues and differences outlined below.

1. <Insert College name> environment

<Insert TAFE College name> 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-focussed environment. <Insert TAFE College name> 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 <Insert student's name> to ensure such things as transport to and from <Insert TAFE College name> and activities between class instruction 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 <Insert TAFE College contact person> on <insert contact details> 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.

3. Classroom environment

<Insert TAFE College name> 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 <Insert TAFE College name> are not limited to lessons in a classroom environment and may include:

- lectures
- tutorials
- flexible delivery
- online learning
- 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 <Insert TAFE College name> and between campuses.

<Insert TAFE College Name> 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. <Insert TAFE College name> 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 <Insert TAFE College name> 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

<Insert TAFE College name> 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 <Insert TAFE College name> 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

<Insert TAFE College name> 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 for qualified medical personnel in case of 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 <Insert TAFE College name> 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 the <Insert TAFE College name> of any medical conditions that 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 <Insert name of contact person> on <Insert contact details>.

7. Insurance

Students are not covered for Personal Accident whilst on campus however, <Insert TAFE College name> 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 <Insert TAFE College name>.

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 <Insert TAFE College name>.

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

<Insert TAFE College name> 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.

9. Parental consent

As part of <Insert TAFE College name> 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 <insert TAFE College name>.

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*.

By signing and returning the attached *Consent and Health Care Information form*, parents/guardians/responsible adults of students who were born in <Insert year or insert year> will not be required to complete a “Notice of Arrangements” form for the Department of Education.

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 <insert contact person> on <insert contact details>.

Yours sincerely

<Insert MDs name>
Managing Director
<Insert TAFE College name>
<Insert College Logo>

Consent and Health Care Information Form			
This information will be provided to relevant <insert College name>staff.			
Student details			
Student's family name:		Student's given name:	
Date of birth / /	Gender:	Student ID:	
Curriculum Council ID:		Last high school attended:	
Contact Person 1- Currently our system has the following contact details. If the detail is blank we do not have this information in our system. Can you please check the details and amend/add accordingly.			
Name:		Email address:	
Address:		Contact numbers:	
		Hm:	Mob: Wk:
Contact Person 2- Currently our system has the following contact details, if the detail is blank we do not have this information in our system. Can you please check the details and amend/add accordingly.			
Name:		Email address:	
Address:		Contact numbers:	
		Hm:	Mob: Wk:
Emergency contact person (Please list a person other than the people listed above)			
Name:		Contact numbers:	
		Hm:	Mob: Wk:
Consent			
Please identify your relationship to the student listed above: (please circle): <div style="display: flex; justify-content: space-around; width: 100%;"> Parent Guardian Responsible adult </div>			
As the parent/guardian/responsible adult of the above named student, I acknowledge that the information I have provided is correct and I have read and understood the attached letter titled: <i>Important Information Concerning Students Under 18 years of Age</i> and I consent to <insert student's name> undertaking studies at <insert college name>.			
Name _____		Signature _____	Date _____
Please note: By signing and returning the attached <i>Consent and Health Care Information form</i> , parents/guardians/responsible adults of students who were born in 19xx or 19xx will not be required to complete a Notice of Arrangements form.			
Health care information			
Please list any medical conditions that <insert student's name> has that may impact on their ability to undertake their course:			

Please ensure you contact <insert contact person>on <insert contact details> to discuss the management of your child's medical condition.			
Please note: It is your responsibility to inform <insert college name> if <insert student's name> medical information changes throughout the course of their enrolment.			
In the event of an emergency, every effort will be made by <insert college name> to contact you.			
Please return this form to: <insert contact person> <Insert postal details>			

APPENDIX 2

DEFINITIONS AND ACRONYMS

This is a list of the definitions and acronyms used in the policy and procedures.

Academic staff/lecturer

An employee as specified in the *Western Australian TAFE Lecturers' General Agreement 2014*.

Duty of care

A duty imposed by the law to take care to minimise the risk of harm to another.

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).

Exemption

An exemption is only available for students in (or about to begin) year 10 or above or who will reach the age of 15 years 6 months or more in the year for which an exemption is sought. An exemption permits a child to pursue an alternative option to full time schooling - usually a combination of education, training or employment such as an apprenticeship. The child's parent/legal guardian must apply for the exemption.

- If the child is enrolled in a non-government school, the exemption form must be submitted to the Director General of the Department of Education Services. The exemption must be recommended by the Principal of the school the child is attending.
- If the child is enrolled at a government school, advice should be sought from the Department of Education.

External provider

A business or individual contracted by the college to provide a venue, service and/or expertise appropriate to a particular activity.

Guardian

A person who is entrusted by law with the care of a minor.

Independent minors

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

Managing Director

The Managing Director of the TAFE College.

Minor

A person under the age of 18 years.

Non-delegable duty of care

The duty of care that is owed by the State of Western Australia, as the education authority, to students regardless of the person who actually performs that duty.

Non-teaching staff

Includes all TAFE College employees other than the Managing Director and academic staff.

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.

Off campus

A location other than the campus where the student is enrolled.

Parent

A person with the legal position of mother or father.

Program

A program of learning (that is a course, curriculum, training package, units of study, or structured workplace learning) that leads to the award of a qualification.

Program plan

A document that describes how the proposed learning activities will be organised and managed to take account of the procedures set out in this document.

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.

Responsible adult

A 'significant other' adult who is taking responsibility for the minor. This person does not have any legal standing to care for the child however; they are providing verification of decisions that are in the best interest of the child.

Section 24 arrangements

Arrangements approved by a principal for students to participate in either a combination of ongoing schooling and employment/training/community based program or full time training/employment/community based course, of less than three months in duration. Section 24 Arrangements apply to students who do not reach their 16th birthday by the end of the current calendar year and are not participating through a VET in Schools enrolment.

Students participating in a flexible educational program under a Section 24 Arrangement remain enrolled at their school and the duty of care is shared between the school and the other organisation. The school also assigns a staff member to liaise with the other organisation to ensure the student's attendance and performance in the flexible arrangement is progressing.

TAFE College nominee

Staff member appointed by the Managing Director to undertake the college's responsibilities during the program and to influence or direct actions of students and staff involved in the program.

VET in Schools (VETiS)

Vocational education and training which allows school students to complete a nationally recognised qualification as part of their senior secondary certificate, that is, the Western Australian Certificate of Education (WACE).

Volunteer

An adult or organisation offering services for activities without remuneration for the services provided.