

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

This procedure must be read in conjunction with Responding to Student Accidents/Incidents: Support, Reporting and Insurance Arrangements Policy.

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1. OVERVIEW

- 1.1 This procedure contains information about the reporting requirement for accidents/incidents and access to copies of reports, first aid and arrangements for ambulance transport, and insurance arrangements.

2. RATIONALE

- 2.1 This procedure informs parents, students and staff of key steps following an accident/incident.
2.2 Detailed guidelines for staff are available on the Directorate's intranet.

3. PROCEDURES

3.1. Recording and reporting of accidents and incidents

- 3.1.1. All accidents/incidents must be recorded by the Directorate and must be notified to the ACT Insurance Authority (ACTIA) within 10 business days of the event.
3.1.2. A Student Accident/Incident Report is to be completed. (Refer to paragraph 4.3)
3.1.3. When a critical incident happens and there is an injury to a student, a Student Accident/Incident Report should be completed.
3.1.4. A significant student accident/incident which is also a critical incident must be reported to the Director, School Improvement immediately.
3.1.5. All accidents/incidents that could be considered a notifiable incident under the *Work Health and Safety Act 2011 (ACT)* must be reported to WorkSafe ACT immediately by phone or in writing (facsimile or email), and if required by WorkSafe ACT, written notice of the incident must be given within 48 hours.

3.2. Reporting Preschool Incidents to Children's Education and Care assurance (CECA)

- 3.2.1. The Education Directorate, as the approved provider of public preschools, has an obligation under *the Education and Care Services National law (ACT) Act 2011* to notify the Regulatory Authority (Children's Education and Care Assurance) of any serious incident at the approved education and care service.
3.2.2. The notification must be in writing and provided within the following timeframe:
 - In the case of the death of a child, as soon as practicable but within 24 hours of the death, or the time that the provider becomes aware of the death;

- In the case of any other serious incident, within 24 hours of the incident or the time that the provider becomes aware of the incident.

3.3. Assistance provided following an accident/incident

First Aid/Medical Assistance

- 3.3.1. On becoming aware of an accident/incident, staff should, so far as they are able, render first aid to the injured student/s.
- 3.3.2. Where a qualified first aid officer is available, that officer should provide assistance as soon as possible.
- 3.3.3. Except where the accident/incident is considered minor (for example where first aid intervention is not required), a parent must be informed. For a serious accident/incident (for example, where professional medical services are required) a parent must be informed immediately. For a less serious accident/incident (for example, where first aid intervention is required) a parent must be informed as soon as possible, but at least by the end of the school day.
- 3.3.4. For children in Early Childhood Schools, parents of a child must be notified of any incident, injury, trauma or illness while the child is being educated and cared for by the education and care service. It is suggested to include this in the procedure for children attending preschools.
- 3.3.5. Where a parent cannot be reached, the person nominated as an emergency contact should be contacted.
- 3.3.6. Except where the accident/incident is considered minor, a first aid officer or other staff member attending to the student must remain with the student until no further treatment or assistance is required, or until the student is placed in the care of ambulance officers or other medical personnel, unless the employee's personal safety is at risk.
- 3.3.7. An ambulance is to be called at the earliest suggestion that it may be required.
- 3.3.8. Schools will endeavour to make contact with parents within 24 hours following a serious accident/incident to enquire about the well-being of the student and to hear any parent concerns.

3.4 Ambulance Transport

- 3.4.1 The ACT Ambulance Service provides free ambulance transport for students who are injured or suddenly become ill at school; or during an approved school organised activity within the ACT.
- 3.4.2 Where a school needs to call an ambulance for a student suffering from an illness or injury acquired before leaving for school (i.e. where a parent was aware of such illness or injury), an account will be issued by the ACT Ambulance Service and forwarded to the parent for payment. This account remains the responsibility of the parent and not the Directorate.

3.5 Student Accident/Incident Reports and Witness Statements

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

3.6 Student Accident/Incident Reports

- 3.6.1 **As a guide** schools will prepare a Student Accident/Incident Report when:

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

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

3.7 Witness Statements

- 3.7.1 In the case of more serious injuries/incidents, schools should obtain witness statements from any person, including a student, who has direct knowledge of the accident/incident. Where there are large numbers of witnesses to an event, witness statements may be obtained from a representative sample of witnesses with the names and contact details of remaining witnesses recorded. When witness statements are being obtained students should be advised:
- why they are being questioned or being asked to prepare a witness statement
 - to what use their answers or statement might be put, and
 - the consequences which may arise (e.g. school discipline action, in the case of students).
- 3.7.2 A student who has been injured in an accident or incident should be given the opportunity to prepare a witness statement for inclusion in the Student Accident/Incident Report.
- 3.7.3 A witness may refuse to answer questions or to complete a witness statement.

3.8 Access to Student Accident/Incident Reports

- 3.8.1 The Directorate provides information about student accident/incidents to the ACT Insurance Authority. The Directorate may provide the Student Accident/Incident Report form and any other information relevant to an accident/incident to the ACT Insurance Authority and the ACT government Solicitor. Information is also provided to WorkSafe ACT in accordance with the ACT *Work Health and Safety Act 2011*.
- 3.8.2 Under Territory Records requirements Student Accident/Incident Reports and associated material should be retained for seven years or until the injured person attains the age of 25 years, whichever is the longer.
- 3.8.3 Where parents or other parties seek copies of Student Accident/Incident Reports and/or witness statements, requests need to be made in writing to:

The Senior Manager
Governance and Legal Liaison
ACT Education Directorate
GPO Box 158
CANBERRA ACT 2601

Or email: EDULegalLiaison@act.gov.au

In providing a copy of a Student Accident/Incident Report and/or witness statements requested by parents or other parties, consideration is given to the Directorate's responsibilities under privacy legislation.

- 3.8.4 Parents and students should be aware that later action may be taken by third parties such as requests under the *Freedom of Information Act 1989* (ACT) or legal proceedings.

3.9 Students Injured on Work Experience

- 3.9.1 For students injured while participating in a work experience placement, information is available in *Experience Counts – ACT Work Experience Program Guidelines and Requirements*, which is available at http://www.education.act.gov.au/_data/assets/pdf_file/0019/554113/ACT-ETD-WEX-Program-Guidelines-and-Requirements-2015.pdf.
- 3.9.2 A Student Accident/Incident Report should be completed and forwarded to the Directorate's Governance and Legal Liaison Section
- 3.9.3 If compensation is sought, the procedures set out in paragraph 3.8.3 should be followed.

4. CONTACT

- 4.1. The Director, Governance and Community Liaison, is responsible for this procedure.
- 4.2. For support contact Governance and Community Liaison on (02) 6205 9151.

5. COMPLAINTS

- 5.1 Any concerns about the application of this procedure or the procedure itself, should be raised with:
- the school principal in the first instance;
 - the Directorate's Liaison Unit on (02) 6205 5429;
 - online at http://www.det.act.gov.au/contact_us;
 - see also the *Complaints Policy* on the Directorate's website.

6. REFERENCES

6.1 DEFINITIONS

- 6.1.1 An **accident** is an event or mishap involving a student enrolled in an ACT public school which occurs while the student is attending school or involved in an approved school-organised activity, such as an excursion, where the student is injured and first aid intervention and/or professional medical services are required.
- 6.1.2 An **incident** is an event that results in or is likely to result in injury/illness, for example dangerous occurrences and bullying and harassment. It includes a 'near miss'.
- 6.1.3 A **critical incident** is a crisis event that causes severe impact, such as significant disruption to the school routine, an emergency management situation, loss of sense of control, or threat to the safety of students and staff. It may be sudden or protracted, extremely dangerous, involve police or emergency services personnel, and generally be outside the normal range of experience or expectation of the people affected.
Critical incidents are covered in the *Critical/Non-Critical Incident Management and Reporting* policy and procedure which can be found at http://www.det.act.gov.au/publications_and_policies/policy_a-z.
- 6.1.4 A **notifiable incident** is defined by the *Work Health and Safety Act 2011* (ACT) as the death of a person, a serious injury or illness of a person, or a dangerous incident that exposes a person to a serious health or safety risk.
- 6.1.5 A **serious incident** involving a child being educated and cared for by an **education and care service**, including a preschool, is an event that causes the death of the child, injury, trauma or illness which requires medical services, or a child to be missing or unaccounted for, or locked in or out of the education and care premises.
- 6.1.6 A **serious incident** involving a child attending a **school or school related activity** is an incident where the student requires immediate treatment as an in-patient in a hospital or immediate treatment for injuries such as amputation, serious head or eye injury, burns, separation of skin from tissue, spinal injury, lacerations, or needing medical treatment within 48 hours of exposure to a substance.
- 6.1.7 A **parent**: is a person having parental responsibility for the child under the *Children and Young People Act 2008* including a carer appointed under that Act
- 6.1.8 **Student** means a person who is enrolled in an ACT public school or related institution established under section 20 of the *Education Act 2004* (ACT).
- 6.1.9 **First aid intervention** is the immediate care of an injured or suddenly sick person prior to obtaining *professional* medical services, if required. It includes first aid, maintenance of records, and recognition and reporting of hazards.
- 6.1.10 **Professional medical services** include attention provided by medical practitioners, *dentists*, nurses and ambulance personnel
- 6.1.11 **Vicarious liability** - Under the principle of vicarious liability, ACT Government employees, in the course of their employment, are protected in law should legal action be initiated, provided they have acted responsibly, within their level of competence, and followed established policies and guidelines and with proper motive.

7 RELATED POLICIES AND DOCUMENTS

Countering Bullying, Harassment and Violence in ACT Public Schools Policy
Critical/Non-Critical Incident Management and Reporting Policy and Procedures

Excursions Policy
Experience Counts – ACT Work Experience Program
Health and Safety Policy - First Aid
Outdoor Adventure Activities Policy
Overseas Excursions Policy
Safe and Supportive Schools Policy