

Wyndham Community and Education Centre Inc Policy and Procedure

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| Policy name | Student Well Being and Duty of Care in Senior Secondary Programs (includes procedures for under-18s) Policy and Procedure |
| Responsible person | Board, CEO and VCAL & Youth Manager |
| Staff involved | All staff and volunteers, Child Safe Officer |
| Review dates | 2024 |
| Related documents | <p>Legislation: Education and Training Reform Act 2006 (Vic) and 2017 Education & Training Regulations (Vic), Children, Youth and Families Act 2005 (Vic), Child Wellbeing and Safety Act 2005, Crimes Act 1958 (Vic), Equal Opportunity Act 2010 (Vic), Worker Screening Act 2020 (Vic), Occupational Health and Safety Act 2004 (Vic), Charter of Human Rights and Responsibilities Act 2006 (Vic), Disability Act 2006 (Vic), Disability Regulations 2007, Information Privacy Act 2000 (Vic), Health Records Act 2001 (Vic), Racial and Religious Tolerance Act 2001 (Vic), Disability Discrimination Act 1992 (Cth), Disability Services Standards (DEWR) 2007 (Cth), Racial Discrimination Act 1975 (Cth), Human Rights and Equal Opportunity Commission Act 1986 (Cth), Privacy Act 1988 (Cth), Ministerial Order 706 Anaphylaxis Management in Schools, Ministerial Order 723 Structured Workplace Learning (Non School Providers), Ministerial Order 55 Structured Workplace Learning Arrangements (Schools), Ministerial Order 724 Work Experience Arrangements (Non-School Providers), Ministerial Order 382 Work Experience Arrangements (Schools), Implementing the Child Safe Standards-Managing the risk of child abuse in schools and school boarding premises Ministerial Order 1359, Victorian Institute of Teaching Act (Vic) 2001, Online safety Act 2021 (Cth), Commission for Children and Young People Act 2012 (Vic), Multicultural Victoria Act 2011 (Vic), Aboriginal Heritage Act 2006, Aboriginal Heritage Regulations 2018.</p> <p>Policies: OH&S Policy & Procedure, Child Safety and Wellbeing Policy and Procedure (including Statement of Commitment), Access and Equity Policy & Procedure, National Police Check/ Working with Children Check/ VIT Registration Policy & Procedure, Staff Recruitment and Induction Policy & Procedure, Critical Incident and Emergency Management Policy & Procedure, Cyber Bullying Policy & Procedure, Harassment, Discrimination, Victimisation and Bullying Policy & Procedure, Conflict Resolution Policy & Procedure, Accident & First Aid Policy & Procedure, Health Policy & Procedure, Asthma Management Policy & Procedure, Anaphylaxis Management Policy & Procedure, Diabetes Management Policy & Procedure, Professional Development Policy & Procedure, Marketing, Advertising and Promotions Policy and Procedure, Senior Secondary Programs-Selection, Enrolment, Induction, Delivery Policy & Procedure (Students and Clients) Policy & Procedure, Senior Secondary Programs- Discipline Policy & Procedure, Mandatory Reporting Policy & Procedure, Sun Smart Policy & Procedure, Senior Secondary Programs-Attendance Policy & Procedure, Excursions Policy and Procedure, Complaints and Appeals Policy & Procedure, Volunteer Policy & Procedure, Computers, Internet & Email Policy & Procedure, Decision Making Responsibilities for Senior Secondary Programs-Policy & Procedure, Senior Secondary Programs-Attendance Policy and Procedure, Data Breach Policy & Procedure, Senior Secondary Programs-Suspension & Expulsion Policy & Procedure, Staff Recruitment & Induction Policy and Procedure, Decision Making Responsibilities for Senior Secondary Programs- (under-18) Policy and Procedure, to Disclosures of Family Violence Policy and Procedure,</p> |

This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc on 24/2/2023 and supersedes all previous versions.

Wyndham Community and Education Centre Inc

Policy and Procedure

Disciplinary Action and Termination of Employment Policy and Procedure, Risk Identification & Management Policy and Procedure, Cyberbullying Policy and Procedure, Marketing, Advertising and Promotions Policy and Procedure, Quality Management & Continuous Improvement Policy and Procedure.

Other:

Racism It Stops With Me national campaign <https://itstopswithme.humanrights.gov.au/>
Wyndham CEC Insurances, Mission, Vision & Values Statement, Senior Secondary Programs-Guidelines Managing Behaviour, VRQA Guidelines for Non-school Senior Secondary Education Providers: Minimum Standards for Registration to Provide an Accredited Senior Secondary Course, VRQA (Self-Assessment) Readiness Tool Re-registration of a non-school senior secondary education provider VRQA VET Guidelines, Senior Secondary Programs-Teacher Package, Senior Secondary Programs-Student Package, Senior Secondary Programs-Student, Parent and Guardian Handbook, Structured Workplace Learning and Work Experience Arrangements for non-school Providers, Structured Workplace Learning and Work Experience Arrangements (Schools), Victorian Government School Arrangement Form for School Community Work; Student Code of Conduct, Staff Code of Conduct, Senior Secondary Programs-Support Services Directory, Working with under-18s Register, Medication Administration Log, Medication Authority Form, Statutory Declaration for Informal Relative Carers, Permission to Leave the Premises Form, Incident Report Form and Incident Register, Accident, Injury & Illness Report Form, Risk Plan, Emergency Management Plan, Bush-fire at risk register, Senior Secondary Programs-Yard Duty Roster, Student Wellbeing Officer, Senior Secondary Programs-Attendance Rolls, students on the Department of Education (DE) VCE Vocational Major Contract and VPC Contract, VETDSS Contracts, Senior Secondary Programs-Medical Register, Senior Secondary Programs-Student Attendance Rolls, Senior Secondary Programs- Timetable, Senior Secondary Programs-Student Contract, SharePoint- Wyndham CEC's content management system, Senior Secondary Programs-Staff Workplans, Senior Secondary Programs-Staff Job Descriptions, Professional Development Policy and Procedure, Child Safe Officer, Permission to Leave the Premises Form, Procedure for Dealing with Visitors to Wyndham CEC Premises, Student Code of Conduct, Child Safe Standards, Guide to Making a Report to Child Protection or Child FIRST - <https://providers.dffh.vic.gov.au/child-protection>
Childsafe standards resources - <https://dhhs.vic.gov.au/publications/child-safe-standards>
<https://providers.dffh.vic.gov.au/resources-child-safe-standards>
Commission for Children and Young People (CCYP)- Resources and support for the Reportable Conduct Scheme <https://ccyp.vic.gov.au/reportable-conduct-scheme/>
Commission for Children and Young People (CCYP) Resources <https://ccyp.vic.gov.au/resources/>
Consent to Share Information form. Department of Families, Fairness and Housing (DFFH), VRQA Child Safe Standards <https://www.vrqa.vic.gov.au/news/Pages/News/article-272.aspx>
Child Safe Standard for education providers <https://www.vic.gov.au/child-safe-standards-education-providers?>
Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM)

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Version: 2023v1

Document number: 376

Page 2 of 14

G:\Policies\Senior Secondary Program\Senior Secondary Programs Student Wellbeing and Duty of Care 2023v1.doc

Wyndham Community and Education Centre Inc

Policy and Procedure

Policy context and purpose

Wyndham Community and Education Centre Inc. (Wyndham CEC) is committed to providing a safe, caring and supportive learning environment for all students. Wyndham CEC values the diversity of its community and applies its vision, values and policies across the whole of its organisational practices and programs.

Duty of care is a common law concept that refers to the responsibility of staff in child-connected programs to provide adequate levels of safety and protection against harm.

Wyndham CEC has a zero tolerance to child abuse and is committed and to complying with child safe standards and principles.

Wyndham CEC is also a signatory to the Racism. It Stops With Me national campaign and has a zero tolerance to racism.

Wyndham CEC acknowledges that it owes a duty of care to students and will take reasonable steps to protect students and clients from risks of injury that could have been reasonably foreseen.

Since July 2017, an additional duty of care exists for any organisation in Victoria that exercises care, supervision or authority over children and young people, including organisations such as Wyndham CEC. This duty of care establishes a presumption of liability, such that the organisation needs to prove that they took “reasonable precautions” to prevent child abuse, if they are to successfully defend a legal claim. The new duty does not change existing duties that Wyndham CEC staff and teachers already have, but instead reinforces the importance of ensuring that organisations, such as Wyndham CEC, take reasonable precautions to minimise the risk of child abuse.

Wyndham CEC also acknowledges that it owes a duty to take reasonable care that any student or client (or other persons) on the premises will not be injured or damaged by reason of the state of the premises or of things done or omitted to be done in relation to the state of the premises.

Policy

Wyndham CEC is a community based Learn Local provider and registered non-school senior secondary education provider of the Victorian Certificate of Education Vocational Major, (VCE Vocational Major), Victorian Certificate of Applied Learning (VCAL), Victorian Pathways Certificate (VPC) and Vocational Education and Training courses (VET).

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Version: 2023v1

Document number: 376

Page 3 of 14

G:\Policies\Senior Secondary Program\Senior Secondary Programs Student Wellbeing and Duty of Care 2023v1.doc

Wyndham Community and Education Centre Inc Policy and Procedure

Wyndham CEC is committed to ensuring that the Minimum Standards for Registration to provide a senior secondary program are met. For students on the Department of Education (DE) VCE Vocational Major Contract and VPC Contract, Wyndham CEC adheres to the requirements within the DE VCE Vocational Major Contract and VPC Contract.

This policy and procedure outlines the responsibilities of Wyndham CEC in relation to students enrolled in Wyndham CEC's Senior Secondary Programs (SSPs) including procedures for under-18s enrolled in training programs or activities at Wyndham CEC.

Wyndham CEC supports the principles and practices of equal opportunity and human rights and undertakes to ensure that programs are accessible to all eligible members of the community and, are responsive to individual needs.

Wyndham CEC is committed to providing an inclusive environment and to enhancing the opportunities for participation in programs and services on offer regardless of culture, race, age, religion, gender, political affiliation, ability or disability and, which is free from discrimination, harassment and racism.

Wyndham CEC acknowledges that student safety and well being are the responsibility of **all staff** working within the organisation.

Helping students to learn effectively and to develop positive attitudes and behaviours to learning are goals shared by staff at Wyndham CEC. Emphasis is placed on meeting student's individual learning needs and tailoring programs to meet those needs.

The Senior Secondary Programs has a dedicated Student Wellbeing Officer. The Student Wellbeing Officer provides holistic, wrap-around supports to students, helping students achieve their study goals, engage in student life, and balance their personal wellbeing and welfare needs.

Wyndham CEC works in partnership with several entities including schools, networks, Government Departments and youth services to ensure appropriate support services are available and accessible to students and their families while students are enrolled in a course at Wyndham CEC.

Underlying this policy is the premise that students have the responsibility for their own behaviour and that staff will work in partnership with students, parents and/or guardians to assist them to meet the requirements of enrolment in Senior Secondary Programs.

As part of duty of care arrangements to students, Wyndham CEC will take all reasonable steps to supervise students appropriately while they are engaged in programs at Wyndham CEC, either onsite or offsite including, before and after scheduled programs.

Wyndham Community and Education Centre Inc

Policy and Procedure

Policy Principles

Wyndham CEC is committed to:

- complying with the new Child Safe Standards which align to the National Principles for Child Safe Organisations, these come into effect in July 2022.
- providing a safe, effective and inclusive learning environment
- providing an adequate system of student supervision
- ensuring appropriate supervision and duty of care
- improving student engagement and well being
- increasing learner connectedness with Wyndham CEC
- ensuring that appropriate medical assistance is provided to a sick or injured student
- strengthening the cohesiveness and self-esteem of young people undertaking programs
- improving levels of learning and motivation of young people
- improving attendance rates for young people
- providing information and support for young people
- managing employee recruitment, conduct and performance of suitable and qualified staff
- implementing safety screening procedures when recruiting staff and in an ongoing manner
- celebrating diversity and inclusion
- working with parents and families

Procedures

In order to achieve the above principles and maintain a safe environment for all students in a, Senior Secondary Program including students under-18, Wyndham CEC will implement the following procedures.

Wyndham CEC will:

- provide a safe and suitable environment for students that promotes a culture of student well-being
- employ only suitably qualified staff and follow safety screening procedures as per National Police Check/ Working with Children Check/ VIT Registration Policy & Procedure
- implement safety screening procedures as per *Staff Recruitment and Induction Policy & Procedure* and monitor suitability in an ongoing manner
- provide adequate levels of supervision at lunchtime, at morning and afternoon break times, and on incursions, excursions or camps
- ensure 'duty of care' to students while on the premises, including before and after scheduled programs or during after-hours activities

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Wyndham Community and Education Centre Inc Policy and Procedure

- notify-parents/guardians of excursions including transport arrangements
- work with students with a disability and their families to ensure appropriate supervision and levels of duty of care
- liaise closely with parents and families of students under-18 to ensure adequate levels of safety and duty of care
- implement strategies to prevent bullying, guided by Wyndham CEC's *Cyberbullying and Harassment, Discrimination, Victimisation and Bullying* policies and procedures
- ensure appropriate levels of staff are trained to administer First Aid and ensure medical assistance is provided to ill or injured students. See Medication section of this policy and procedure on page 7
- ensure that appropriate medical assistance is provided to a sick or injured student
- ensure strong links with the community and relevant support agencies and networks to access services for students if required
- ensure that no scheduled classes occur for more than 8 hours a day or outside the hours of 8:00 am and 10:00 pm on any day
- ensure that a Memorandum of Understanding/Contract is in place for any student undertaking training with another organisation (if applicable)
- ensure that a signed of Education VCE Vocational Major Contract and VPC Contract with a home school is in place for any students on the Department of Education VCE Vocational Major Contract and VPC Contract or Vocational Education and Training in Schools (VETDSS)
- ensure that all staff meet all requirements within the *Child Safety and Wellbeing Policy & Procedure (including statement of Commitment)* and *Mandatory Reporting Policy & Procedure*
- ensure that all staff are aware of their roles and responsibilities in protecting the safety and promoting the wellbeing of children and young people and are able to:
 - o understand their various legal obligations to report and take other reasonable steps to discharge the duty of care that may be owed to the child or young person
 - o identify indicators that a child or young person has been, is being, or is at risk of being abused
 - o make a report about a child or young person who has been, is being or is at risk of being abused.

Hours of operation

Wyndham CEC VCAL classes and daytime youth programs commence at 9 AM and finish at 3:30 PM Monday to Friday. Students will be supervised from 8:30 am. Any students under-18 arriving before 8:30 AM, must be dropped off by parents/ guardians and report to the Senior Secondary Education Manager or her representative where they will be supervised.

Wyndham Community and Education Centre Inc Policy and Procedure

A staff member will be on duty at Wyndham CEC's exit gate from 3:30 PM to 3:45 PM Monday to Friday, after classes finish. Any students under-18 being picked up after 3:45 PM, must report to the Senior Secondary Education or her representative where they will be supervised until a parent/ guardian collects them.

During all scheduled class times, staff follow a scheduled timetable.

During break times, staff follow a scheduled yard duty roster for all breaks, Monday to Friday.

Students undertaking any Senior Secondary Program after school are supervised by Wyndham CEC staff.

Visitors to Wyndham CEC

For all external visitors to Wyndham CEC, the Senior Secondary Program staff must follow the *Procedure for Dealing with Visitors to Wyndham CEC Venues*.

Responsibilities of all students in Senior Secondary Programs:

In order to foster learning and social behaviours that are consistent with the values of the organisation, students must abide by the *Student Code of Conduct*, the *Senior Secondary Programs Student Contract* they sign at enrolment, behaviour guidelines as set out in Wyndham CEC's Senior Secondary Programs student, parent and guardian handbook and Wyndham CEC policies and procedures received in the student package.

Student Support Services:

Wyndham CEC has support structures and programs in place which address the identified needs of students in its Senior Secondary Programs. This includes a dedicated Student Wellbeing Officer, *Youth Support Services Directory* that includes referral mechanisms to external agencies such as alternative programs and/or support agencies. Wyndham CEC works closely with youth related agencies and agencies responsible for case-managing young people to ensure the needs of students requiring support services are met.

For students aged under-18, referral to support services may involve liaising with parents and/or guardians as required prior to making a referral.

Wyndham CEC staff and teachers in the Senior Secondary Programs are required to report any areas of concern to the Senior Secondary Education Manager immediately as they arise. All teachers in the Senior Secondary Programs have an individual laptop in order to take attendance for each session, together with the ability to directly email the

Wyndham Community and Education Centre Inc

Policy and Procedure

Senior Secondary Education Manager. The Senior Secondary Education Manager will follow up with students and teacher concerns as they arise.

All staff are advised to limit advice or counsel to students to areas within their own professional competence and expertise. They must ensure that any advice they give is correct and in line with Wyndham CEC codes, policies and procedures. Staff must avoid giving advice in areas unrelated to their professional role and must instead report any concerns to the Senior Secondary Education Manager for follow up. The Senior Secondary Education Manager will brief the CEO if required.

Attendance:

Students enrolled in the Senior Secondary Programs are required to attend all scheduled time-tabled classes and excursions/activities in order to maximise their learning opportunities and ensure satisfactory completion of all coursework and assessment within their enrolled Senior Secondary Program. Wyndham CEC expects minimum attendance of 80% to all scheduled timetabled classes but is committed to working with students, families and support workers towards increasing attendance rates to 90% - 100% during the course of student re-engagement in a program at Wyndham CEC. Student attendance will be monitored throughout the year. Wyndham CEC has an *Attendance Policy and Procedure* which outlines the steps and strategies for monitoring attendance and dealing with student absences and lateness. This procedure also has details of all methods of contact including contact numbers if a student is going to be absent or late.

Responsibilities of all staff in Senior Secondary Programs:

- Staff must be aware of their responsibilities of duty of care to students including their responsibilities around mandatory reporting and child safe standards. Staff are provided with these policies and procedures annually and all are available on SharePoint.
- Staff are provided with ongoing professional development to enhance their knowledge and skills. An annual PD Plan for the Training Services Unit outlines minimum scheduled PD for staff over the year. Wyndham CEC has a detailed *Professional Development Policy and Procedure* which outlines processes for PD at Wyndham CEC.
- All staff at Wyndham CEC must have a working with children check and / or VIT Registration. Wyndham CEC's *National Criminal History Check, Working with Children Check and VIT Registration Policy and Procedure* outline how Wyndham CEC ensures this as well as processes for documenting these records and ensuring all staff have current and valid checks. Wyndham CEC has a register of staff and volunteers (if any) working with students under-18.

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Wyndham Community and Education Centre Inc Policy and Procedure

- Wyndham CEC ensures that all staff working in the Training Services Unit have appropriate qualifications to deliver and assess accredited curriculum at Wyndham CEC. Wyndham CEC's *Staff Recruitment Policy and Procedure* and HR recruitment process outline the steps for ensuring this. A copy of Teacher qualifications are kept on file.
- Wyndham CEC has a thorough *Staff Recruitment and Induction Policy & Procedure* in place to ensure staff understand their responsibilities and are appropriately inducted.
- Staff are responsible for supervision of students and must monitor student behaviour in and outside the classroom to ensure the safety of all and promote a successful learning environment. Staff in the Senior Secondary Programs must follow the *Senior Secondary Programs Guidelines Managing Behaviour* and the *Senior Secondary Programs Discipline Policy and Procedure*.
- Staff are expected to adhere to the *Staff Code of Conduct* and at all times demonstrate highly ethical and professional behaviour. Staff-student relationships should be positive but maintain clear professional boundaries that protect everyone from misunderstandings or violations of the professional relationship.
- A staff member may fail to maintain a professional boundary by acting or operating beyond the responsibility of their role or expertise. If students raise significant personal problems with a staff member they trust which is beyond the responsibility or expertise of the staff member, they must seek advice from the CEO, their Manager or Child Safe Officer (if appropriate), who can assist them with referral to a specialist.
- All policies and procedures outlined above are available on SharePoint, Wyndham CEC's content management system, via log-in and password.

Legal background

'Duty of care' is an element of the tort of negligence. In broad terms, the legal position is that if a person is injured as a result of a negligent act or omission of another, the injured person should be compensated for loss and damage flowing from that negligence.

To successfully bring a compensation claim in negligence, a person must establish on the balance of probabilities, that:

- a duty of care was owed to them at the time of the injury
- the risk of injury was reasonably foreseeable
- the likelihood of the injury occurring was more than insignificant
- there was a breach of the duty of care or a failure to observe a reasonable standard of care; and

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Wyndham Community and Education Centre Inc Policy and Procedure

- this breach or failure caused or contributed to the injury, loss or damage suffered

The fact that a duty of care exists does not mean that a staff member will be liable for every injury sustained by a student. In order for the student to succeed in a negligence claim, all of the above elements must be established.

Procedures for students under-18

Supervision:

Legal duty of care requires Wyndham CEC staff to take all reasonable measures to ensure the safety of any student under their care. Students are supervised at all times in classrooms, lunch and break times, and on incursions or excursions.

Students are supervised during all breaks. It is the responsibility of the teacher on yard duty to inform all students when the break is finished and direct them back to their scheduled classes.

A staff member will be on duty from 8:30am and at Wyndham CEC's exit gate from 3:30 PM to 3:45 PM.

Students under 18 are able to leave the premises at lunchtime if a parent / guardian has signed a *Permission to Leave the Premises* Form.

See section on hours of operation on page 6 above for more details.

Consent from parent/guardian:

Wyndham CEC requires signed consent from a parent / guardian for the following:

- to enrol a student under-18 in a Wyndham CEC program
- to attend an excursion
- to participate in community activities and programs that help develop connectedness with Wyndham CEC
- to leave the premises and not return for their scheduled timetabled class
- to take and use photos of students (see Wyndham CEC *Marketing, Advertising and Promotions Policy and Procedure*)
- to consent to share information with organisations or professionals to help provide support for the students

Students under-18 who cannot obtain consent from a parent or legal guardian will be required to provide a *Statutory Declaration for Informal Relative Carers* that will give the required consent to attend an excursion or activity.

Wyndham Community and Education Centre Inc Policy and Procedure

Students under-18 who are connected with Department of Families, Fairness and Housing (DFFH) may be required to gain consent to attend an excursion or activity.

Parents/guardians will be notified if a student under-18 leaves the premises without authorisation.

Decision Making Responsibilities (under-18)

The CEO or her nominee, the Senior Secondary Education Manager will determine who is responsible for making specific decisions for young people under-18 enrolled in Senior Secondary Programs. (see Wyndham CEC *Decision Making Responsibilities for Senior Secondary Programs (under-18) Policy and Procedure*).

Attendance:

The Senior Secondary Programs *Attendance Policy and Procedure* referred to above will be followed for all Senior Secondary Programs-students including students aged under-18. However, students under-18 must provide a note from a parent / guardian on return after an absence and a note or a phone call, text or email must explain an absence for any student under-18.

Students under-18 are required to bring a note signed by a parent/guardian with an explanation if leaving early for the day. Parents and students are asked to make appointments out of scheduled time-tabled hours.

Student Support Services:

Student support services are outlined on page 7.

For students aged under-18, referral to support services may involve liaising with parents and/or guardians prior to making a referral.

Wyndham CEC requests written consent to speak to organisations and professionals to help provide the best support for the young person. The information will be used by Wyndham CEC for this primary purpose (and any other directly related purposes) and will only be disclosed to the organisation/s and or professional/s that have been nominated.

Medication:

Wyndham CEC recognises that there may be times when staff need to administer medication to a student in an emergency if requested by a parent / guardian when the student under-18 is unable to self-administer.

Wyndham Community and Education Centre Inc

Policy and Procedure

Wyndham CEC has a senior first aid officer and several first aid trained staff. Wyndham CEC can arrange staff to administer medication to students under-18 if required and if consent is provided by the parent/legal guardian.

Wyndham CEC's duty of care is to administer the correct dose of medication according to written instructions received by the parent/guardian. These instructions must contain directions for storage and administration.

Wyndham CEC will ensure that medication is stored securely, away from the classroom and away from the first aid kit in a place accessible by the staff member responsible for administration of it.

Medication must be in the original bottle or packaging and must be clearly labelled with the name of the student, time and dosage to be administered.

The expiry date of the medication must be visible.

Wyndham CEC will ensure that privacy of the student is maintained in relation to medication and illness.

Wyndham CEC may need to seek clarification from the student's medical practitioner and will seek permission to do so if the need should arise.

Wyndham CEC does not administer non-prescribed medicines such as paracetamol or analgesics to students and does not keep them on the premises.

For students with asthma, anaphylaxis or allergies, Wyndham CEC follows the relevant Anaphylaxis, Diabetes Management or Asthma policies and procedures. For other illnesses or medical emergencies, Wyndham CEC follows the *Accident & First Aid Policy and Procedure* and the *Health Policy and Procedure*.

In the event of medication needing to be administered to a student under-18, a record must be kept in the *Medication Administration Log* kept in the Senior Secondary Education Manager's Office or Administration office.

Teachers of students requiring medication must be informed by the Senior Secondary Education Manager or her delegate of this and the student must be released from class to obtain the medication from the Senior Secondary Education Manager's Office or Administration office.

In the unlikely event that Wyndham CEC staff become responsible for ongoing administration of medication to a student under-18, all instances of administration must be recorded on the *Medication Authority Form*. This form will be stored in the student's file and a copy in the CEO's office.

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Wyndham Community and Education Centre Inc

Policy and Procedure

The CEO and the Senior Secondary Education Manager both have a current copy of the *Senior Secondary Programs Medical Information and Contact List Register* for students in the Senior Secondary Programs with medical conditions.

Wyndham CEC is not responsible for interpreting or monitoring a medical condition or the effects of medication.

Sun Smart:

Wyndham CEC has a Sun Smart Policy and Procedure which outlines good practices in relation to sun care for students, staff and clients of Wyndham CEC. The policy and procedure include reference to and guidelines for students aged under-18.

Mandatory Reporting and failure to disclose offences:

Protecting children is everyone's responsibility. Wyndham CEC takes its legal obligations and responsibilities seriously and all staff must be familiar with legislative requirements, including:

VIT registered Teachers are **mandated reporters**. This means that they must report to the Child Protection Authority at the Department of Families, Fairness and Housing (DFFH) when they form a belief on reasonable grounds that a child or young person is at risk of significant harm.

Failure to disclose:

Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police. This offence came into effect on 27 October 2014. The offence applies to all adults, not just professionals who work with children.

Failure to protect:

People of authority in the organisation will commit an offence if they know of a substantial risk of child sexual abuse by someone in the organisation and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. The offence came into effect on July 1, 2015.

Grooming offences:

A grooming offence is now in effect to target individuals who communicate with a child or their parents with the intent of committing child sexual abuse.

Wyndham Community and Education Centre Inc Policy and Procedure

Wyndham CEC has a *Mandatory Reporting Policy and Procedure* and a *Child Safe Policy and Procedure (including statement of commitment)* that ensure all staff are clearly informed of their obligations under the legislation and understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse. Please ensure you are very familiar with these policies and procedure.

Wyndham CEC also has a Child Safety officer, Lesley Nallawalla who is a resource available for staff and students.

Reportable Conduct Scheme:

On 1 July 2017, the *Reportable Conduct Scheme* commenced in Victoria. Allegations of child abuse or misconduct involving children (reportable conduct) made against employees, must be reported to the Commission for Children and Young People. This scheme does not override other legal obligations.

The CEO of Wyndham CEC will report any reportable allegations within 3 business days after becoming aware of them to the Commission for Children and Young People (CCYP). In addition, Wyndham CEC will comply with the requirement to provide further detailed information as required within the 30-day timeline and report the results of any investigation including any outcomes or findings at the conclusion of the investigation.

Any reportable allegations should be raised with the CEO by any staff or volunteers immediately, for investigation and reporting to the CCYP.

What is reportable conduct?

The Commission defines five types of ‘reportable conduct’:

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

For more information see Wyndham CEC’s *Mandatory Reporting & Failure to Disclose or Protect Policy & Procedure*.

Extra information can be found by opening the hyperlink: [CCYP | Reportable Conduct Scheme information sheets](#) and see Commission for Children and Young People Information sheets 1 to 7 attached.

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Version: 2023v1

Document number: 376

Page 15 of 15

G:\Policies\Senior Secondary Program\Senior Secondary Programs Student Wellbeing and Duty of Care 2023v1.doc