

Student Health in NSW Public Schools: A summary and consolidation of policy

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1 Abstract

This policy provides a summary and consolidation of policy on student health in NSW public schools. It is designed to be read in conjunction with the Department's website and the associated documents listed in Section 12.

2 Applicability

Schools, including Preschools and Early Intervention Services;
Parents/Guardians/Caregivers; The Public.

3 Superseded Documents

- Administration of Prescribed Medications - Health Care Procedures in Schools 95/085 (S.083)
- AIDS - Information for Teachers in the Primary School 90.023 (S.015)
- An Important Health Message for Parents: Protection Against Infectious Diseases 88/341
- Asthma 90/098 (S.076)
- Asthma Update 99/375 (S.280)
- Children Who Are Allergic to Bee Sting 80/065
- Diabetic Children in Schools 81/193
- Dispensing of Medication 89/206 (S.133) 24/7/89
- Enclosed Booklet - The AIDS Manual 90/046 (S.033)
- Facilities for School Screening by the Department of Health 91/135 (S.087)
- General Communicable Diseases: Revised Schedule for Exclusion of Students from School and Pre-School 90/013 (S.009), 90/062 (S.049)(amendment)
- General Hygiene and Communicable Diseases including Acquired Immune Deficiency Syndrome (AIDS) 89/038 (S.027)
- HIV/AIDS Education in Primary Schools 91/162 (S.103)
- HIV and AIDS Education in Primary Schools

- Immunisation: Children Entering Kindergarten 88/341 (S.190)
- Immunise Australia Program 99/088 (S.062)
- Meningococcal Disease 97/286 (S.259)
- Meningococcal Disease DN/02/00285 including attachments
- National Meningococcal C Vaccination Program DN/03/00293 including attachment signed by Dr Denise Robinson, A/Chief Health Officer 17 July 2003
- NSW Adolescent Vaccination Program 2004 DN/04/00137
- Pediculosis in School Children 83/12 (S.129)
- Physical as Anything: Collaborative Support for Students with Physical Disabilities and Medical Conditions DG 96.1348 (superseded by Second Edition)
- Protection from the Sun 94/069 (S.067)
- Prescribed Medicines - Enrolment of Children with Continuing Need; Administering to Students 86-158 (S.570)
- Public Health (Amendment) Act 1992 93/016 (S.013) Education Gazette No 5 21.4.93
- Student Health: Administration of Prescribed Medications in Schools 95/078 (S.076)
- School Students: Spinal Problems 85 - 281 (S.443)
- Student Welfare: Protection from the Sun 85-156 (S.013)
- Teachers Handbook Part 3 3.2.17 Misuse of Drugs or Medicines
- The AIDS Manual 90/046 (S.033)
- Update: Severe Acute Respiratory Syndrome (SARS) DN/03/00188
- Use of Analgesic Substances in Schools HO Circular 78/79

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4 Context

- 4.0. The Department of Education and Training is committed to meeting its
- 1 obligations under the NSW Occupational Health and Safety Act 2000 and the Common Law, to keep students safe while they are at school. The Department also seeks to provide opportunities for students to learn about and practise ways of adopting and maintaining a healthy, productive and active life through the student welfare policies and procedures of schools and through Personal Development, Health and Physical Education and other Key Learning Areas.
- 4.0. On specific issues related to student health and on public health priorities, the
- 2 Department is guided by advice from the NSW Department of Health <http://www.health.nsw.gov.au>. Area Health Services, including Public Health Units <http://www.health.nsw.gov.au/services/> provide information and advice on local health issues.
- 4.0. Principals as work place managers for OH&S and injury management are
- 3 accountable for safety within their school. Principals are required to recognise their obligations as work place managers, ensure they implement Department of Education and Training policies and procedures relating to their school's safety, and use resources available to manage safety issues in their school.

4. 1 Legislation

4.1. Under the NSW Anti-Discrimination Act 1977

- 1 http://www.austlii.edu.au/au/legis/nsw/consol_act/aa1977204/ and the Commonwealth Disability Discrimination Act, 1992 http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264 it is unlawful to discriminate against students in relation to enrolment, or once enrolled, on the grounds of their disability. The definition of disability is very wide in both Acts and would include students who must take prescribed medication and/or who need health care procedures administered either on an ongoing or emergency basis.

4.1. Under the NSW Occupational Health and Safety Act 2000 (OH&S Act)

- 2 http://www.austlii.edu.au/au/legis/nsw/consol_act/ohasa2000273/ the Department of Education and Training must do everything reasonably practicable to ensure that students are not exposed to risks to their health or safety while they are at school. Under the Common Law, the Department and its staff have a duty to take reasonable care to keep students safe.

4.1. Under the NSW Privacy and Personal Information Protection Act 1998

- 3 http://www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464/ the Department and its staff have certain obligations regarding the collection, use and storage of personal information. Principals may obtain further information from <https://detwww.det.nsw.edu.au/directorates/leglserv/privacy2/privacy.htm>

4.1. The *Health Records and Information Privacy Act 2002* ("The Health Privacy

- 4 Act") http://www.austlii.edu.au/au/legis/nsw/consol_act/hraipa2002370 protects the health information of individuals in NSW.

4. 2 Other Departmental Policy

4.2. Occupational Health and Safety Policy (PD2004/0007/V001)

- 1 http://detwww.det.nsw.edu.au/policies/staff/oh_s/ohs_pol/PD20040007_i.shtml sets out the OH&S requirements and the DET commitment to ensure a safe and healthy working and learning environment. School staff may wish to access further information on OH&S at the following link: <https://detwww.det.nsw.edu.au/adminandmanage/ohands/index.htm>

4.2. Student Welfare Policy (PD/2002/0052/V001)

- 2 http://www.det.nsw.edu.au/policies/student_serv/student_welfare/stude_welf/PD20020052.shtml sets out the framework for student welfare in NSW public schools.

4.2. Code of Conduct (PD/2004/0020/V001)

- 3 http://www.det.nsw.edu.au/policies/staff/ethical_behav/conduct/PD20040020.shtml
refers to duty of care to students, fairness and equity, relationships between staff and students, drugs, alcohol and tobacco, workplace safety, information protection and public comment, participation in external organisations, private and secondary employment.
- 4.2. Enrolment of Students in NSW Government Schools: A Summary and Consolidation of Policy PD/2002/0006/V001
4 http://detwww.det.nsw.edu.au/policies/student_admin/enrolment/enrolpol/PD20020006_i.shtml
- 4.2. Privacy Code of Practice PD/2002/0010/V001
5 https://detwww.det.nsw.edu.au/policies/administrative/privacy/code_pract/PD20020010_i.shtml

5 Policy Statement

- 5.0. This policy requires schools to implement practices related to student health that
1 comply with the NSW Occupational Health and Safety Act 2000 (OH&S Act), Common Law obligations, and anti-discrimination and privacy legislation, and that demonstrate a commitment to collaboration with parents to support the wellbeing of students.
- 5.0. This policy also requires schools to assist students who have health support needs
2 at school by means that include the provision of first aid (including emergency care), the provision of temporary care when students become unwell at school, the administration of prescribed medications and health care procedures, and the development of individual health care plans if required.

5.1 Principles

- 5.1. The health and safety of students is relevant to learning and is important to
1 schools.
- 5.1. The present and future health of students can be enhanced by quality learning and
2 positive experiences at school.
- 5.1. All children and young people of legal school age are entitled to participate in
3 education and training regardless of their health support needs.
- 5.1. Support for students on health issues must be provided in a way that does not
4 discriminate unlawfully against any student.

5.1. Students benefit if they are provided with opportunities to develop the
5 knowledge, skills and understandings relevant to managing their own health.
Taking into account what is reasonable and safe in an individual case, schools are
expected to support students to develop independence in managing their own
health.

5.1. Schools rely on and value the co-operation of parents, medical practitioners,
6 health services, other relevant agencies and local community resources to assist
them to support the health of students.

5.1. Schools must assist with the administration of prescribed medication or health
7 care procedures during school hours where this support cannot reasonably be
undertaken by parents or others outside school hours. The non-emergency
administration of prescribed medication and health care procedures by staff is
performed on a voluntary basis.

5.1. The school's duty of care does not extend to administering medication and/or
8 health care procedures to students who are able to administer this medication or
carry out this procedure themselves. If, however, a student self-administers
prescribed medication and/or health care procedures, the school has a duty to take
reasonable steps to ensure that the self-administration is carried out safely.

6 Procedures and Standards

This policy document provides a summary and overview of procedures and standards.
More detailed procedures and proformas are provided on the Departments website at
www.schools.nsw.edu.au/studentsupport/studenthealth/index.php

6. 1 Health and Safety

6.1. The focus of health and safety in schools is on providing a safe and healthy
1 teaching and learning environment and the prevention of illnesses and injuries.
Schools are required to implement Departmental policy and procedures to ensure
the health and safety of employees, students and visitors. Further information on
health and safety is provided on the Department's OH&S web page at
<http://detwww.det.nsw.edu.au/adminandmanage/ohands/index.htm>

6. 2 First Aid

6.2. Schools are responsible for providing first aid at a local level. First aid facilities
1 and personnel must be provided that are adequate for the immediate treatment of
injuries and illnesses that may arise at the school.

6.2. First aid can be carried out by staff members who have been asked by the

- 2 principal to undertake these duties and who volunteer and are trained. An allowance is payable if such a staff member is a member of the school administrative staff.
- 6.2. The principal is responsible for negotiating an appropriate arrangement for first aid at the school. The regional OH&S team is available to assist.
- 6.2. The school's first aid procedures should be prominently displayed for the information of all staff. Schools should also implement rigorous hygiene and infection control procedures.
- 6.2. The number and location of first aid kits is determined by the size and layout of the school and the types of programs delivered. First aid kits should be clearly identified and well maintained. School staff will find further information on particular requirements for first aid in schools in OH&S First Aid Guidelines provided on the Department's OH&S web page at <https://detwww.det.nsw.edu.au/adminandmanage/ohands/index.htm>

6.
3 Care of students who become unwell at school

- 6.3. Students who become unwell at school are best transferred to the care of a parent/guardian/caregiver. The aim of care given at school to such students is to make them comfortable in the interim.
- 6.3. Each school needs to identify the staff member(s) who will care for students who are unwell and the procedures that are to be followed. This role can be carried out by staff members who have been asked by the principal to undertake these duties and who volunteer.
- 6.3. The principal is responsible for negotiating an appropriate arrangement for temporary care of students who are unwell at school. Regional personnel are available to assist.
- 6.3. In the special case of residential schools, arrangements for short term care for minor ailments may be undertaken as part of the school's provision in the residential facility.

6.
4 Administration of Prescribed Medications and Health Care Procedures

- 6.4. The administration of prescribed medications and health care procedures in schools can be carried out by staff members who volunteer to undertake these duties and who are trained. An administration of prescribed medication allowance is paid to school administrative and support staff members to carry out this role. A health care procedures allowance is paid to teachers aides (special) to

carry out this role.

- 6.4. Where no staff member is prepared to volunteer for the non-emergency administration of prescribed medication or health care procedures and community resources cannot assist, the school must seek the advice of relevant Regional staff. Regional staff will, in some cases, seek the advice of Disability Programs or Student Welfare Directorate. An enrolment cannot be refused solely on the ground that no staff member is willing to assist.

Related website information can be found at <http://www.schools.nsw.edu.au/studentsupport/studenthealth/individualstud/index.php>

6. Individual Health Care Plans

- 6.5. An individual health care plan must be developed for any student:

- 1
 - diagnosed with severe asthma, type 1 diabetes, epilepsy or anaphylaxis and/or
 - diagnosed as being at risk of an emergency and/or
 - who requires the administration of health care procedures.

- 6.5. Principals have discretion about developing a written individual health care plan in other cases. Their decision will be guided by circumstances where the principal judges that a formal plan will assist in the schools management of the support for the student.

- 6.5. Relevant staff must be consulted in the development of individual health care plans and in any case where their assistance in administration of prescribed medication and/or health care procedures may be called upon. It is particularly important that they are consulted regarding students diagnosed with a condition that might require an emergency response.

Related website information can be found at <http://www.schools.nsw.edu.au/studentsupport/studenthealth/individualstud/devi mpindhcplan/index.php>

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7 Responsibilities and Delegations

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7. Principals

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7.1. It is the responsibility of the principal to implement policy and procedures to
1 ensure that systems are in place to protect the health and safety of all students
when they are at school or involved in school activities.

7.1. Principals need to develop and document local procedures to support student
2 health which reflect departmental policy and incorporate local needs, including:

- first aid (See section 6.2 and related website information at the following links
<https://detwww.det.nsw.edu.au/adminandmanage/ohands/index.htm>
<http://www.schools.nsw.edu.au/studentsupport/studenthealth/schpracprog/firstaid/index.php>
- temporary care of students who become unwell at school (See section 6.3)
- the administration of prescribed medications and health care procedures. See section 6.4 and related website information at
<http://www.schools.nsw.edu.au/studentsupport/studenthealth/individualstud/index.php>
- individual health care plans. See section 6.5 and related website information at
<http://www.schools.nsw.edu.au/studentsupport/studenthealth/individualstud/devimpindhcp/index.php>
- immunisation documentation requirements (primary school principals only). (See Memorandum DN/04/00351)
- supply and storage of medication (See related website information at
<http://www.schools.nsw.edu.au/studentsupport/studenthealth/individualstud/adminmedicine/supplystomed/index.php>)
- provision of emergency care (See related website information at
http://www.schools.nsw.edu.au/adminsupport/trainanddev/health_safety.php)
- staff training (See related website information at
http://www.schools.nsw.edu.au/adminsupport/trainanddev/health_safety.php).

Relevant information on injury management is available at
https://detwww.det.nsw.edu.au/media/downloads/detoh_s/adminandmanage/ohands/the_guide/injury_mangement.pdf

7.1. Reporting workplace incidents/timeframes

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- The *NSW Occupational Health and Safety Act 2000* and the *NSW Occupational Health and Safety Regulations 2001* require the reporting of certain work-related incidents within given timeframes (Section 341 of OH&S Regulations). Depending on the type of incident, WorkCover may need to be notified.
- The DET Memo DN/04/0040, *Notification of work-related incidents* sets out the WorkCover requirements for reporting incidents in the workplace and can be located at
<https://detwww.det.nsw.edu.au/directorates/personnel/ohseaps/>

7.
2 All School Staff

7.2. It is the responsibility of school staff to:

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- take reasonable measures to protect students against risk of injury or harm which should reasonably have been foreseen
- take reasonable care for the health and safety of all persons in the workplace and to co-operate with the employer to ensure the health and safety of all in the workplace, including assisting in an emergency
- where staff do not have first aid qualifications, provide assistance to ensure that a student receives medical attention including first aid.

7.
3 Particular Staff Members

7.3. It is the responsibility of the person(s) who volunteers and is (are) trained in the
1 administration of medications to administer prescribed medications in accordance with departmental policy and procedures.

7.3. It is the responsibility of the person(s) who volunteers and is (are) trained to
2 perform health care procedures to administer health care procedures in accordance with departmental policy and procedures.

7.3. It is the responsibility of the person(s) who volunteers and is (are) trained in the
3 administration of first aid to administer first aid in accordance with departmental policy and procedures.

7.
4 Legal liability

7.4. Should a student be injured or made ill as a result of the administration of
1 prescribed medication or health care procedures by a member of staff, the staff member is protected by the legal principle of vicarious liability in relation to personal injury proceedings. This means that unless the staff member has deliberately injured the student, or behaved with reckless disregard for the students safety in the administration of the medication or health care procedures, the Department will be liable for any injury caused by the negligence of the staff member.

7.
5 Expectations of Parents/Guardians/Caregivers

7.5. Parents are expected to:

1

- cooperate with the school on student health matters
- inform the school of the health needs of the child at enrolment or when health conditions develop or change
- liaise with the child's medical practitioner about the implications of any health condition for their schooling and convey advice and information from the medical practitioner to the school
- if required, provide prescribed medication and 'consumables' for administration by the school in a timely way and as agreed with the principal
- where relevant, collaborate with the school in planning to support the child's health needs at school including updating information and reviewing plans.

Relevant information on the role of parents can be found on the Departments website at <http://www.schools.nsw.edu.au/studentsupport/studenthealth/individualstud/roleofparents/index.php>

7. Expectations of Students

6

7.6. Students are expected to:

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- contribute to the provision of a healthy and safe school environment
- ensure that medication is taken for the purpose for which it is intended by the person for whom it is intended
- co-operate with staff in managing their health
- as relevant to the individual, develop the understandings and skills needed to progressively manage their own health.

8 Timeframes

N/A

9 Monitoring, Evaluation and Reporting Requirements

To maintain the currency and validity of this policy it will be reviewed and updated as necessary at least annually. Staff are invited to submit suggestions to the Manager Student Wellbeing.

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10 Optional Guidelines

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N/A

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1 Transition Arrangements

N/A

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2 Associated Documents and Forms

Website support

The Student Health section of the Department of Education and Training's website - www.schools.nsw.edu.au/studentsupport/studenthealth is a major source of practical advice to schools on the implementation of this policy.

Associated documents

In addition to the policies referred to in Section 4, the following documents are also relevant to student health and should be read in conjunction with this policy. (Where documents are available on the Department's website, links have been included.)

- Administration of Prescribed Medications and Health Care Procedures in Schools 96/031 (S.030)
- Adolescent School Based Vaccination Programs DN/05/00024
- Anaphylaxis: Guidelines for Schools DN/03/0577(See website)
- Educational Visits to Abattoirs: Risk of Contracting Q Fever 85/226 (S.412)
- Emergency Care Manual Online DN/03/91 SCH/03/106
- [Excursions Policy](#)
- [Guidelines for Managing Drug Related Incidents in Schools DN/02/00163 24/07/2000](#)
- [Guidelines for the Safe Conduct of Sport and Physical Activity PD/2002/0012](#)
- [Health Care and Safety Matters in All Schools Accredited Training, Revised 2002](#)
- Healthy School Canteen Strategy DN/03/00431
- [Notification of work-related incidents DN/04/0040](#)
- Notification to Parents Concerning Cases of Meningococcal Disease DN/02/00257
- NSW Immunisation Documentation Requirements DN/04/00351
- OH&S Responsibilities and Support for Principals DN/02/00449
- Position Paper: A National Policy on Asthma Management in Schools, Thoracic Society of Australia and New Zealand (School Education News, Vol 5, No 16 November 1995)
- [Prevention of the Transmission of Viral Hepatitis PD/2002/0044](#)
- [Protection from the Sun: Guidelines to Assist in Implementing the Student Welfare Policy PD/2002/0055](#)
- Provision of Emergency Care and Cardiopulmonary Resuscitation (CPR) Training 96/096 (S.091) 23/7/96 and 96/043 (S.041) 20/5/96
- Reminder of Guidelines for Supporting Students in Hot Weather DN/04/00438
- [Safe Handling and Disposal of Sharps PRD No 1988](#)
- [School Canteens Guidelines for School Communities](#)
- Scoliosis Awareness Program 96/120 (S.114)
- [School Uniform Policy PD/2004/0025](#)

- [Teachers Handbook](#)
- [Welfare of Students While Engaged in Activities Conducted Under the Auspices of the School 97/138 \(S.130\) PD/2004/0019/V001](#)

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¹/₃ For Further Information

Manager Student Wellbeing Unit, Ph: (02) 9244 5861

¹/₄ Appendices

N/A

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