

Workplace learning procedure

This is a mandated procedure under the operational policy framework. Any edits to this procedure must follow the process outlined on the [creating, updating and deleting operational policies](#) page.

Overview

This procedure outlines the process schools must follow to ensure that they fulfil their legislative obligations in relation to the *Children and Young People (Safety) Act 2017 (SA)*, the *Work Health and Safety Act 2012 (SA)*, the *Equal Opportunity Act 1984 (SA)*, and the *Child Safety (Prohibited Persons) Act 2016 (SA)*.

Scope

The workplace learning procedure applies to government schools in South Australia. This procedure has been developed for workplace learning where the workplace is regulated by Australian legislation and is not relevant to international workplace learning.



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Detail

1. Understanding workplace learning

What is workplace learning?

For the purpose of this document, workplace learning is a placement of an eligible student with an employer to gain knowledge, skills and attitudes in the context of a real work environment through an approved learning program. Workplace learning aims to build on the students' schoolwork and career education activities in support of them planning and managing their transition through and beyond school.

If the identified activity does not meet the definition of one of the 3 workplace learning types, then schools are to review the camps and excursions policy, student volunteering advice or the industry and employer immersion guidelines to test if the activity meets the definition of an activity covered through another departmental structure.

Students can be involved in workplace learning in 3 ways:

1. Work Experience
2. Structured Workplace Learning for VET
3. Work Trial Leading to an Apprenticeship or Traineeship for School Students (A&TfSS).

Work experience

Work experience is the involvement of a student in a short-term industry placement. This enhances their experience in and understanding of the work environment while informing career development. This usually takes place without a school staff member present, ie an independent placement. Students can be engaged in a virtual or physical placement.

The timing of the placement, including start and finish times, are arranged directly between the employer, student and school and must be in line with industry awards (eg no more than 8 hours per day). Work experience can be paid or unpaid and is arranged between the employer and student.

Structured workplace learning for VET

Structured workplace learning is part of a Vocation Education and Training (VET) program. Real workplace supervised learning activities lead to skills acquisition and contributes to an assessment of competency relevant to the requirements of nationally recognised VET qualifications. The competencies to be delivered and assessed (as specified in the relevant Training Package) are negotiated between the Registered Training Organisation (RTO), school, student and workplace learning provider.

Work trial leading to an apprenticeship or traineeship

Year 10, 11, 12 or 12+ students participating in a work trial must only be considered once the genuine opportunity for an apprenticeship or traineeship for a school student has been established. A work trial

should only be for a short duration of time, long enough for a potential employee (student) to demonstrate the skills required for the job.

The timing of the work trial, including start and finish times, are arranged directly between the employer, student and school and must be in line with industry awards (eg no more than 8 hours per day). Work trials can be paid or unpaid and is arranged between the employer and student. Student eligibility to participate in workplace learning

The following are requirements to undertake workplace learning at a physical or virtual worksite:

- that the student will gain knowledge, skills and attitudes to support their learning and career development
- the school has assessed the workplace learning environment and functional needs of the student, and is satisfied that any risk associated with the placement has been identified and mitigation strategies have been implemented
- the student has completed a Work Health and Safety training program that, at a minimum, incorporates current and relevant issues from the Acts, as detailed in section 2 of this document.

2. Keeping students safe

There are multiple Acts that provide governance to support the safety of young people in the workplace. The Acts listed below have a significant role in keeping students safe while engaged in workplace learning:

- *Work Health and Safety Act 2012 (SA)*
- *Children and Young People (Safety) Act 2017 (SA)*
- *Child Safety (Prohibited Persons) Act 2016 (SA)*
- *Statuses Amendment (Child Sexual Abuse) Act 2021 (SA)*
- *Equal Opportunity Act 1984 (SA)*
- *Fair Work Act 2009 (Cth)*

The following section details the relevant parts of the above-mentioned Acts so that all parties involved in workplace learning need to clearly understand their rights, roles, and responsibilities.

Work Health and Safety Act 2012 (SA)

As defined in the Act, 'a student gaining work experience' is considered a worker and therefore a workplace learning provider must take reasonable steps to eliminate or minimise risks to health and safety of a student undertaking workplace learning. Students also have responsibility under the Act. While at work, students must:

- take reasonable care for their own health and safety and the safety of others (including psychological safety and wellbeing)
- comply with any reasonable instruction that is given and cooperate with any reasonable policy or procedure of the workplace provider relating to health or safety at the workplace that has been

notified to workers.

Children and Young People (Safety) Act 2017 (SA)

When schools facilitate workplace learning, they must ensure that the requirements of this Act are addressed. Schools must take reasonable steps to ensure that children and young people are protected from harm.

Schools that have students participating in a workplace learning program must make sure their internal policies and procedures have been designed to ensure that safe environments for children and young people are established and maintained in respect of the services or activities provided or undertaken.

Environments that are child safe and child friendly

This Act requires organisations (both government and non-government) that provide health, welfare, education, sporting or recreational, religious or spiritual, party or entertainment, cultural, childcare or residential services, wholly or partly for children, to meet certain requirements in order to provide a safe environment for children. These organisations must have in place policies and procedures to create and maintain child safe environments.

As part of the process for assessing an employer's suitability to offer workplace learning, such policies and procedures are required for both organisations that are and are not covered under this Act. Schools will need to be satisfied that the workplace learning environment is child-safe before allowing a student to undertake a placement.

Child Safety (Prohibited Persons) Act 2016 (SA)

This Act provides a legislated system to minimise the risk of harm to children and young people posed by persons who work or volunteer with them, primarily through the working with children check processes. This is applicable in child related work environments which includes an organisation that provides health, welfare, education, sporting or recreational, childcare, or residential services wholly or partly for children and young people. For details regarding working with children checks for students and workplace learning providers see Screening and National Police Checks in section 3.

Statutes Amendment (Child Sexual Abuse) Act 2021 (SA)

The [Statutes Amendment \(Child Sexual Abuse\) Act 2021](#) includes 2 new offences which carry a penalty of imprisonment. The offences relate to failure to report and protect a child from sexual abuse. The department requires to report to police any knowledge or suspicion that another employee is engaging or is likely to engage in the sexual abuse of a child.

Equal Opportunity Act 1984 (SA)

This Act provides protection to all people including students undertaking workplace learning. It aims to prevent discrimination on the grounds of a person's age, race, disability/impairment, pregnancy, sexuality, chosen gender, marital status, child caring responsibilities or religious affiliation.

As part of the process for assessing an employer's suitability to offer workplace learning, schools need to be

satisfied that the working conditions are free from unlawful discrimination, harassment, and bullying.

Fair Work Act 2009 (Cth)

The Fair Work Act is Commonwealth legislation that regulates employment and workplace relations. It provides the terms and conditions of employment and sets out the rights and responsibilities of employers, employees and organisations in relation to that employment.

This Act is applicable to activities such as unpaid work training, work experience and vocational placements. Where appropriate, this procedure has incorporated relevant sections from this Act.

Duty of care

The safety of students, children and young people is paramount to the department, and this means that the school needs to identify and reduce the inherent risk of harm to students engaging in workplace learning.

At a minimum, schools must:

1. Assess the workplace learning provider suitability to offer workplace learning that:
 - the [Workplace Learning Agreement form \(PDF 494KB\)](#) is completed with sufficient detail that:
 - the school is satisfied that the workplace learning provider has sufficient safety systems, mitigation strategies and culturally safe practices in place to keep the student safe
 - workplace learning tasks and roles have been identified that are suitable for the student's level of readiness
 - the duration of the placement is reasonable and does not put the student or the employer in a situation where they are at risk of breaching legislation that governs unpaid work trials and student's placements.
2. Confirm the student's readiness to undertake workplace learning:
 - the student has completed a work health and safety training program
 - the student can satisfy the requirements of the workplace learning environment and tasks as detailed on the Workplace Learning Agreement form
 - the school is satisfied that the student can keep themselves and others safe during the work placement
 - any adjustments to meet student additional needs have been negotiated.
3. Ensure the structure within the school is sufficient to design and implement a Workplace Learning Program, which complies with the policies, procedures and rules which govern this activity:
 - allocate staff to lead, manage and implement a Workplace Learning Program
 - establish an agreement with the student, carer, workplace learning provider and school regarding communication expectations prior, during and post placement

- ensure the student is provided with contact details of the school's leader responsible for workplace learning, who they can contact if they are feeling unsafe or have questions
- connect with the student at least once during the workplace learning to check on their wellbeing and their progress towards learning goals. Some students may need additional check-ins or contact depending on their needs. A record of contact is stored in the student's file.

3. Preparing for workplace learning

Appropriate workplace learning tasks

A key part of the assessment process for both the workplace learning provider and student is ensuring the tasks that the student will undertake as part of the placement are appropriate. Considerations may include the student's level of maturity, practical skills, and qualification level.

Reasonable adjustments may be required to the workplace to accommodate the student. Some workplaces may not be suitable if major adjustments are required in a short amount of time, particularly for students with a disability or functional needs.

Schools are to seek clarification from workplace learning providers if the tasks/roles described in the Workplace Learning Agreement form are unclear or may be deemed inappropriate for the student's current capabilities.

For all placements, schools must ensure that:

- students are always supervised (virtual work placement supervision and duty of care is provided by the school)
- students receive the same training as a paid worker to undertake the same task/function
- students are not taking the place of a paid worker
- students are not undertaking tasks not listed in the Workplace Learning Agreement form.

In addition to the above section, the following details specify the tasks considered appropriate for the type of placement.

Work experience

Work experience should consist of:

- work shadowing and work observation
- assisting staff with appropriate tasks
- Problem Based Learning (PBL), including small projects that can be completed fully supervised or with some level of independence.

Structured workplace learning for VET

As part of some Vocational Education and Training (VET) courses, students are required to undertake

Structured Workplace Learning. The tasks that the student undertakes will be negotiated and agreed by the RTO, student, school and workplace learning provider prior to the placement.

Work trial for an apprenticeship or traineeship

Employers may conduct a work trial to evaluate the potential employee's (student's) skill level to see if they will fit within the culture and practices of the workplace.

During the work trial, it is appropriate to ask potential employees (students) to demonstrate employability skills, including but not limited to:

- ability to communicate effectively with others
- personal presentation
- capacity to operate in the work environment
- ability to follow instructions
- punctuality
- positive attitude
- willingness to learn.

Work health and safety training for students

All students are required to complete a work health and safety training program that incorporates current and relevant issues from the legislation in the 'Keeping Students Safe' section 2 above of this procedure.

To support schools with the delivery of this requirement, the Department for Education provides access to online work health and safety training for students to meet minimum legislative requirements of WHS knowledge.

Students must complete a work health and safety training program each school year that they undertake workplace learning. If a student undertakes any additional workplace learning in any years following the first, they may complete a refresher or revision module. This provides schools with the assurance that students still understand their rights and responsibilities while in the workplace.

Completing online WHS training does not take the place of the work site induction or any licences, competencies, or legal requirements that the workplace learning provider identifies the student needs to complete. These are identified in the Workplace Learning Agreement form.

Screening and national police checks

Students may need to obtain a check before commencing workplace learning in sectors that have children, elderly, or vulnerable people. Some of these checks are required by law and others as part of the organisation's risk management processes. Schools must work closely with the workplace learning provider to ensure they understand the requirements and the student has sufficient time to gain the required check. For details about the employers screening requirements, see the Assessing the Workplace Learning Provider section.

Working with Children Check (WWCC) for students

Students require a Working with Children Check if they are undertaking workplace learning where it is reasonably foreseeable that they will work with children as part of their work placement. Students over the age of 14 will be required to obtain a Working with Children Check if the placement involves one of the following:

- working with children more than 7 days (consecutive or not) in a calendar year)
- undertaking child-related work which involves overnight excursions or activity (for example, a school camp)
- undertaking child-related work which involves close personal contact with children with disability.

It is noted that a person under the age of 14 years does not require a Working with Children Check.

Students doing placement as part of their study can apply for a free Working with Children Check, as used by volunteers via the Department for Human Services webpage – [see fees and payments for more information](#).

Further information can be found regarding Working with Children Checks on the [SA Gov website](#).

Responding to Risks of Harm, Abuse and Neglect – Education and Care (RRHAN-EC) training for children, young people and students

People working or volunteering with children in South Australia must, by law, report any suspicion that a child or a young person is at risk or may be at risk of harm. This includes students completing workplace learning in child-facing environments, who are identified as Mandated Notifiers under the department's [protective practices guidelines \(PDF 3MB\)](#).

The [RRHAN-EC](#) is mandated training to work or volunteer in education settings. This explains the legal obligations for mandatory reporting, the department's recording requirements and their responsibilities for ensuring the safety and wellbeing of children and young people.

Staff and students should consult [find out what RRHAN-EC training you need to do](#) for more information. There is usually a cost associated with the RRHAN-EC Masterclass, as it involves face-to-face training.

There is an expectation for schools to confirm student suitability in working with younger children and in fulfilling their legal obligations.

Working with elderly and vulnerable people

Students undertaking workplace learning in the aged care sector may need to obtain a national police check, complete a statutory declaration and/or an aged care sector screening. As aged care providers are allowed to do their own risk assessments, schools must work with the provider prior to the placement to allow sufficient time for the students to gain the required check, declaration, or screening.

There are no laws requiring students to have a vulnerable person-related employment check, however a workplace learning provider may require a student to obtain a national police check or have a vulnerable person-related employment check as part of their risk management processes. Schools must work with the provider prior to the placement to allow sufficient time for the students to gain the required check, declaration or screening.

Workplace learning duration

Work experience

The duration for work experience should allow the student reasonable time to gain knowledge, skills, and experience in the context of a real work environment that supports student achievement.

The maximum number of work experience days for a student should not exceed 40 days in a school year, and 10 days during any school term, including school holidays and weekends.

Structured workplace learning for VET

As the placement is directly associated with the assessment of competency and achievement of outcomes relevant to the requirements of nationally recognised VET qualifications, the duration of Structured Workplace Learning will depend on the requirement of the VET course the student is engaged in. The RTO must work with the school and workplace learning provider to negotiate an appropriate duration.

Work trial leading to an apprenticeship or traineeship

The duration for a work trial leading to an Apprenticeship or Traineeship is for students to demonstrate to a potential employer that they have the entry level skills required for the vacancy. A work trial should only be a short duration of time agreed to by student and parent/caregiver, employer, and school and used for the sole purpose of determining if the student is suitable for the identified apprenticeship or traineeship as a school student.

Any period beyond what is reasonably required to demonstrate the skills required for the job must be paid at least the appropriate minimum rate of pay. If an employer wants to further assess a candidate's suitability, they could employ the person as a casual employee and/or for a probationary period and pay them accordingly for all hours worked.

Any employment of a compulsory school age or education age student must be in line with the *Education and Children Services Act 2019*, meaning that employment of a student must not impact on the student's ability to attend or participate in their schooling. See section 74 of the Act for further information.

Assessing the workplace learning provider

Schools are required to mitigate the risks associated with a student's engagement in workplace learning. Schools have a duty to take adequate steps during the planning, organisation and placement to protect students from reasonably foreseeable harm.

The minimum requirements of a workplace learning provider are that they have:

- a registered business
- public liability insurance
- safe work systems in place and suitable mitigation strategies including ensuring the workplace and their staff are culturally responsive and inclusive of students from Aboriginal or other minority backgrounds, religious beliefs and practices, students living with a disability, and/or students identifying as LGBTIQ+.

- submitted a description of the workplace learning tasks including the risk and mitigation strategies
- identified the workplace on-the-job supervisor
- completed the Declaration in the Workplace Learning Agreement form confirming that their workplace learning site meets all requirements of the Acts, policies and procedure which govern workplace learning and that they agree to provide a supervised, safe, inclusive, and engaging experience for the student undertaking workplace learning.

Working with Children Check for workplace learning provider

Workplace learning providers are required to have a Working with Children Check if their workplace is considered a child-related work environment.

There is no requirement for a workplace learning provider to have a Working with Children Check where the work undertaken is not classified as child-related work as the workplace learning provider is not in a prescribed position. It is noted that an employer is not required to get a Working with Children Check in relation to the student undertaking workplace learning, regardless of that student's age, as the student is classified as an employee during the placement.

To support student access to workplace learning, schools may negotiate or require that specific workplace learning providers provide additional supports and assurances to meet student safety or learning needs.

Confirming student readiness for workplace learning

Schools have a responsibility to confirm the functional needs of individual students and suitability of a workplace placement. This is determined by the school once all fields of the [Workplace Learning Agreement form \(PDF 494KB\)](#) are completed.

Student readiness considerations:

- overall health, physical ability, and psychological capabilities and needs
- the workplace environment is suitable for the students' needs
- the student is willing to learn and positively participate in the placement
- the student has successfully completed a WHS program and the school is satisfied that the student is able to keep themselves and others safe in the workplace.
- for independent student placements – the student can effectively communicate their needs with others and that the identified workplace learning tasks are suitable for the student's maturity, skill and, qualification level

During the assessment process the school should identify strategies and information that may support the student during the placement. This may include necessary adjustments and supports through external organisations like National Disability Insurance Scheme (NDIS) for students living with a disability as well as the inclusive cultural needs for students from Aboriginal or other minority backgrounds, religious beliefs and practices, and/or students identifying as LGBTQIA+.

Bilingual and cultural support services can be engaged by schools to support families from English as an Additional Language or Dialect (EALD) backgrounds to understand and complete the Workplace Learning

Assessment form. Aboriginal Secondary Education Transition Officers (ASETO) and the [Workabout Centre](#) can be engaged to support Aboriginal students and their families in preparing for workplace learning.

Students with a medical condition or disability

Where a student has indicated on the Workplace Learning Agreement form that they have a medical condition or disability, further information may be required. This allows the school to adequately plan for the placement to ensure reasonable adjustments are made and a student's functional needs are accommodated. These adjustments will require consultation between schools, families and the workplace learning provider to ensure that safety is maintained.

It is the school's responsibility to support all students, including those with disability, to gain access to workplace learning within each student's capacity. There may be some situations where it is not appropriate for a student to participate in a placement and an alternative program would need to be considered and offered to cater for the needs of that individual student. This decision would need to be made in consultation and collaboration with the student and/or their carer. Students with disability may be connected to agencies outside of the Department for Education to support their engagement in workplace learning. Regardless of whether a student with disability is supported by external agencies or not, the student is not exempt from this procedure and all parties must be made aware that they are to meet all the requirements outlined in this procedure which are consistent with schools' duty of care obligations.

In the case of workplace learning for students with disability this includes ensuring that:

- the workplace can make the identified reasonable adjustments to support the specific needs of the student
- arrangements for participation in the workplace learning has been negotiated and documented in the student's education plan, in consultation with the student and/or their parent/caregiver
- before starting the placement students receive training appropriate to their capacity about work, health and safety issues, workers' rights, harassment and protective behaviour
- students and/or their parent/caregiver are consulted about how much they may want to disclose about their disability, keeping in mind WHS and adjustments that may be required
- that the supervision provided by the workplace learning provider and on-the-job supervisor, during placement is appropriate to the activity, work environment and the specific needs of the student
- a staff member must visit the student or make direct phone contact with them at least once during a placement
- there is sufficient and ongoing contact with the student commensurate with their needs.

Schools need to obtain parental consent prior to sharing details about a student's medical condition or disability with a workplace learning provider. Obtaining parental consent will enable a school to comply with legislative requirements, in particular, section 137 of the *Education and Children's Services Act*, which governs the use of personal information obtained by schools. Consideration should also be given to the South Australian Government Information Privacy Principles Instructions (Revised May 2020).

Payment for workplace learning

Workplace learning as described in this procedure has a clearly defined purpose and should not be confused with paid employment.

The purpose of the placement must be negotiated and agreed to by all parties prior to the placement commencing of which the school needs to be satisfied that the purpose is to support the student to gain skills and work towards their learning goals.

To minimise the likelihood of a placement turning into an employment relationship:

- the student should not be undertaking the role of a paid employee
- the duration of the placement should be kept within the maximum number of workplace learning days.

Employers are not required to pay students any entitlements under the *Fair Work Act* during a workplace learning placement. They may elect to provide remuneration at their discretion and under no obligation.

Interstate workplace learning

All interstate workplace learning must be approved by the Principal who will ensure that due diligence has been given to all aspects of the arrangements. This includes travel, accommodation, workplace supervision and suitability of the site. The student must complete any additional requirements of the state or territory they are visiting. The student must have access to a school staff member who can be contacted at any time should any issue arise.

Schools will arrange completion of the South Australian [Workplace Learning Agreement form \(PDF 470KB\)](#). The Department for Education insurance arrangements that apply for local placements also apply for interstate placements.

Schools must follow this procedure and refer to the 'workplace learning procedures' or equivalent for the state in which the student is seeking to undertake placement and ensure all requirements are met prior, during and post placement.

4. During the workplace learning

Out of school hours work placement

Schools must determine their own policy on workplace learning activities which are out of school hours such as weekends, school holidays, early morning, afternoon or night shift.

If a school is to facilitate workplace learning out of school hours, a staff member must be always contactable and also engage with the student and the workplace learning provider at least once during the placement to ensure the school meets their duty of care requirements.

Supervision during workplace learning

Physical attendance in the workplace

In the absence of a school staff member or negotiated support person, the workplace learning provider is responsible for the overall supervision of the student. This includes students on structured workplace learning for VET, work experience or a work trial leading to an apprenticeship or traineeship for school students.

For the purposes of this procedure, direct supervision means that the workplace learning provider's nominated staff member or on-the-job supervisor is:

- physically present in the workplace with the student
- within line of sight or close proximity
- providing training and instruction on a given task
- accessible to the student at all times on site and available to respond to their needs
- is aware of any additional accommodations and supports the student may require.

Virtual work experience

Students on virtual work experience can be indirectly supervised by the nominated workplace learning provider's staff member who is:

- readily accessible to communicate with the student either directly or electronically
- has a system in place to check and monitor student progress against the allocated tasks.

Schools must identify and provide a school staff member to supervise the student who is engaged in virtual work experience. See the definition section of this document to clarify the parameters of virtual placements.

Engaging the worksite during the work placement

As part of the school's duty of care, a staff representative must make contact with the student at least once during a placement. Consider individual needs and identify, document and provide supports and adjustments to ensure students who have a higher duty of care due to the impact of disability are safe. In some cases, this will require increased supervision and contact.

Through this contact, the school representative must:

- speak with the on job supervisor to discuss the student progress
- speak with the student and /or their advocate to assess progress against student goals
- ensure they are supported and safe.

Schools must record their engagements with the student and workplace learning provider and record these on the Schools Education Management System and the Schools Learner Management System. Schools may choose to use the [Workplace Learning Monitoring Report \(PDF 535KB\)](#) as a record of checking student progress.

5. Forms

Workplace Learning Agreement Form

The [Workplace Learning Agreement form \(PDF 470KB\)](#) documents all requirements and agreements of the workplace learning.

Schools complete each section of the form, ensuring that all elements associated with risk management have been considered. This ensures that all parties involved are aware of their roles and responsibilities in maximising success for the student.

Student: this section includes information relating to student and carer contact details, learning goals and the student readiness assessment.

Work Placement Environment and Tasks: this section details all elements of the placement including risk and mitigation strategies, identification of the learning tasks, dates and times for the placement and transport considerations.

Acknowledgement and Declarations: this section is where all stakeholders acknowledge and agree to their roles and responsibilities as detailed in the form.

Workplace Learning Monitoring Report

A school representative must visit the student or make direct phone contact with them at least once during a placement. Where there is a raised duty of care, accommodations must be made, with additional support in place to ensure that students are safe and able to succeed.

A record of the visit and any information collected must be recorded and stored in the Student's File. Schools may use the [Workplace Learning Monitoring Report \(PDF 2MB\)](#) to structure the information collected. A copy can also be provided to the student.

6. Responding to adverse events

Critical incidents involving a student

In the event of a critical incident involving injury or harm to a student (regardless of age), the workplace learning provider must ensure the wellbeing of the student, seek medical treatment as required and then notify the school as soon as possible.

The Principal or delegate must:

- prioritise the wellbeing of the student
- arrange for the identified emergency contact to be contacted immediately
- without making any admissions of liability, request a written report from the workplace learning provider detailing the incident/accident
- complete a report in the department's [incident management system](#).

Processes to deal with suspicion of harm or risk to a child or young person during work placement

If an allegation of harm or risk to a child or young person is made relating to someone in the workplace (an adult or a minor), the student must immediately be removed from the workplace.

School staff and many other members in the community are considered mandated notifiers. A mandated notifier is required by law to report suspicion that a child or young person is, or may be, at risk to the Child Abuse Report Line ([CARL](#), tel: 13 14 78), whether at or away from the workplace. Proof that the harm or risk has occurred is not required. School staff must also report to police when they know or suspect that another employee is engaging or is likely to engage in the sexual abuse of a child.

Dial 000 if there is an immediate risk to the safety of a child. School personnel should follow the [mandatory notification procedure \(PDF 233KB\)](#) and must not investigate or conciliate any such reported concern or occurrence. The Department for Child Protection, through the Child Abuse Report Line, can provide advice regarding the school personnel involvement and that of the South Australian police.

Unlawful and inappropriate behaviour towards students at the workplace

As schools maintain a duty of care to the student while in a workplace, it is necessary that the school be informed of any incident involving unlawful and inappropriate behaviour so that the immediate safety and rights of all parties can be protected.

Harassment of a student in the workplace is unlawful under the *Equal Opportunity Act 1984 (SA)*.

As schools retain the primary duty of care for a student who is participating in workplace learning, the allocated staff member should be proactive in their communication with both the student and the workplace learning provider to ensure the student is not/has not been adversely affected by any incidents involving inappropriate behaviour eg bullying, teasing, sexual or racial harassment etc.

The nature of the incident or complaint will determine which investigative body is notified:

- for investigating and conciliating sexual or racial harassment, discrimination and victimisation complaints, contact the Equal Opportunity Commission of South Australia
- for issues related to unsafe work practices at a particular worksite, contact SafeWork SA.

Where it is deemed appropriate to lodge a formal complaint, the decision to proceed must, however, be left with the student and their carer. Depending on the capacity of the student, the school might support them by recommending advocacy through an organisation like the Young Workers Legal Service or Fair Work Ombudsman.

Where the school has identified or been advised that the student has been the subject of unlawful and inappropriate behaviour in the workplace, the following steps must be taken:

1. ensure the wellbeing of the student
2. if the student indicates that they are feeling unsafe or the school considers the placement is no longer safe, then the placement should be terminated, in consultation with the Principal. If the placement is terminated, the school should ensure the student is able to access/complete an alternative suitable placement.

3. all parties are communicated with in relation to the matter
4. in the event that the school is contacted by any relevant authority investigating a formal complaint relating to the student, then the school, prior to taking any action, should seek the advice from the Legal Services directorate.

Ongoing monitoring of the student's wellbeing following incidents should be conducted.

It is noted that adverse events can include inappropriate behaviour by the student. In these circumstances the school should follow the department's behaviour support policy.

7. Insurance

The Legal Services Claims Manager is responsible for a variety of claims including claims for student injury during workplace learning and claims in relation to damage to private property by the student during their placement. The following section provides greater detail regarding specific coverage and the process to access claims. Schools are encouraged to contact Legal Services Claims at education.LegalClaims@sa.gov.au for further information or clarity.

Student personal accident cover

All workplace learning students enrolled in government schools are covered by a personal accident insurance scheme. This is funded and administered by the Department for Education. Students who sustain personal injury attributable to direct or indirect, serious or wilful misconduct on their part, may not receive payment under the Department for Education's self-insurance arrangements. These insurance arrangements also apply to Department for Education students undertaking workplace learning interstate.

Any claims for student injury during work placements must be forwarded to the Legal Services Claims Manager via education.LegalClaims@sa.gov.au

Ambulance cover for students on workplace learning

Ambulance costs are primarily the responsibility of the individual or parent/caregiver. Those who are covered under private ambulance cover should contact their insurer to recover costs.

Where a student does not have private cover, a request for payment by the department can be made online by completing an online ambulance claim. Requests will be assessed by the Claims Manager to determine whether they meet the department's criteria for payment to be made. A link to the online ambulance claim form is available on the department's [insurance and claims management](#) webpage.

Student travel

Student travel to and from the workplace learning site

Travel to and from the workplace learning site is not covered, however travel that accrues during the placement contact hours may be covered.

Student use of vehicles during workplace learning

A student is only permitted to operate a motorised vehicle, including motorcycles, farm vehicles and any other vehicle for which a licence is required, if they hold the appropriate licence and the vehicle is used in the appropriate way.

Students undertaking work placement as part of their VET course may have alternative or additional requirements related to the units of competency of their qualification.

Public liability cover

The government self-insures to cover liability for property damage or third-party body injury arising from the negligent actions of government school students and Department personnel when performing duties associated with the school's workplace learning program. The insured amount is without limit.

The government self-insures to cover costs, claims, proceedings or demands arising out of, or in respect to, the participation or negligence of government school students in authorised workplace learning programs, with the proviso that the liability will not be accepted if the injured party is able to obtain appropriate benefit from some other source of cover, eg the workplace learning provider's public liability insurance.

Should death/disablement or property damage be attributable to direct or indirect serious or wilful misconduct by the student, payment may not be made under the government's self-insurance arrangements.

Further clarification about insurance matters can be sought from the Claims Manager in the Department for Education Legal Services, ph. 8226 1555. Any claims received in relation to work placements must be forwarded to the Claims Manager via education.LegalClaims@sa.gov.au

Maritime workplace learning

Watercraft may only be used when the vessel is covered by a Marine Liability or Protection and Indemnity Policy and the insurance cover noted to include 'workplace learning activities'.

Any watercraft that will be used as transportation during a student's work placement must be recorded on the Workplace Learning Agreement form. If this is not identified until after the placement is underway, details are recorded in the Amendments section of the form and agreed to by all parties.

Support personnel for students with additional needs

Insurance cover for volunteers

The Department for Education has insurance cover which extends to persons who carry out volunteer duties/activities at the direction of the site leader or governing body. Claims for volunteer injury should be forwarded to the Legal Services Claims Manager via education.LegalClaims@sa.gov.au.

Insurance cover for paid supporters

Some agencies provide paid work trainers to support students who have additional needs on work placements as part of the student's transition from school. These workers are not covered by the

department's insurance and should be covered under the policies of their respective agencies.

Incident reporting and insurance claims

The Principal or delegate must:

- prepare a report of the incident in accordance with Department for Education accident/incident reporting procedures using the department's [incident reporting and management system](#)
- remind the student's carer that accounts for medical and attendant services are to be lodged first with Medicare and, where applicable, the family's private health fund. If there is a difference between the amount reimbursed and the actual fee charged, ie the 'gap', the government's self-insurance arrangements will meet the shortfall up to a maximum amount of \$2,500
- forward to the Legal Services Claims Manager via education.LegalClaims@sa.gov.au:
 - the Workplace Learning Agreement form
 - the reference of the injury report lodged through Edu portal
 - any incident report provided by the workplace learning provider
 - a covering note from the school
 - any written claim from the student or parent/caregiver.

All forms should be kept on record.

Third party bodily injury or property damage

In the event of a student causing third party bodily injury or property damage, the workplace learning provider must contact the school as soon as possible. The Principal or delegate must:

- prioritise the wellbeing of the student
- record the student's recount of the incident/accident
- without making any admissions of liability, request the workplace learning provider to write to the school, setting out details of the incident/accident, including the value of any potential claim
- prepare a report of the incident in accordance with Department for Education accident/incident reporting procedures using the department's [incident reporting and management system](#)
- forward information and any claim received to the Legal Services Claims Manager via education.LegalClaims@sa.gov.au
- record the incident either as an entry in the school journal or as a separate record in school files.

8. Retention of records

Schools maintain records that will allow identification of the type and frequency of workplace learning that occurs, together with the number of participating students, as there may be a need to obtain information to review insurance cover and assess the risk potential of workplace learning programs. These records include:

- evidence that the student has been prepared to undertake workplace learning
- evidence that the student has been assessed as suitable to undertake the identified placement
- completing a Workplace Learning Agreement form
- insurance claims (if applicable) and supporting documentation
- any other forms and documentation connected to the workplace learning eg forms from other States.

All Department for Education schools must maintain records in accordance with the department's [information and records management policy \(PDF 139KB\)](#), departmental records management procedures and any relevant General Disposal Schedules (GDS and RDS) to ensure compliance with the *State Records Act 1997* and the Across-Government 'Management and Storage of Temporary Value Records: standard and procedures'. For further information contact the Information Management team on 8226 1223 or email education.records@sa.gov.au

Roles and responsibilities

Department for Education

Maintain the Workplace Learning Procedure.

Liaise with government schools over any issues related to interstate placements.

Respond to enquiries from schools, carers and workplace learning providers.

Process accident/incident reports in accordance with departmental procedures.

Insure work placement students for personal accident and public liability.

Schools

Provide all students the opportunity to engage in workplace learning.

Fulfil the duty of care requirements as detailed in the procedure.

Prepare students for workplace learning.

Ensure the workplace learning provider is suitable to offer workplace learning.

Assess student suitability to undertake the identified workplace learning.

Ensure the Workplace Learning Agreement form has been completed and processed prior to placement occurring.

Retaining records of all communications, forms and processes pertaining to workplace learning.

Workplace learning provider

Complete the Workplace Learning Agreement form.

Provide students a safe and engaging placement.

Communicate openly with the school about the student's wellbeing and engagement in the placement.

Ensure the Workplace Learning Agreement form has been completed and processed prior to workplace learning occurring.

Student

Engage in and complete all workplace learning preparation requirements as instructed by the school or employer.

Ensure the Workplace Learning Agreement form has been completed and processed prior to placement occurring.

Attend placement as detailed on the Workplace Learning Agreement form.

Notify both school and employer if you are unable to attend as agreed.

Behave in a way that complies with the legislation, policies and procedures that governs workplace learning and represents your school's values.

Report any concerns of harm or risks of harm to your school workplace learning leader/on-the-job supervisor or carer.

Parent/caregiver, students 18 and over, and independent students

Engage in and complete all workplace learning preparation requirements as instructed by the school or employer (students over 18 or independent).

Ensure the Workplace Learning Agreement form has been completed and processed prior to placement occurring.

Communicate openly with the school about the student's wellbeing and engagement in the workplace learning.

If unlawful and inappropriate behaviour towards the students occurs during the placement at the workplace, ensure the student is supported to decide on, and lodge, a formal complaint with a relevant organisation.

Definitions

apprenticeship or traineeship for school students

Through a training contract, a student can engage in an apprenticeship or traineeship enabling students in years 10, 11 or 12 to combine their South Australian Certificate of Education (SACE), vocational education and training (VET) and paid employment whilst enrolled at school.

career education activities

Activities that allow students to develop knowledge, skills and attitudes will assist them to make informed decisions about their study and/or work options.

child or young person

A child or young person means a person who is under 18 years of age.

child related work

Work that, in the ordinary course of duties, it is reasonably foreseeable that the worker will engage with children. For example, a child-care service or health service for children.

duty of care

Duty of care is a legal concept which refers to an obligation to take reasonable care to protect another person from all reasonably foreseeable risk of harm or other risks.

genuine opportunity

An employer has a vacancy for an apprenticeship or traineeship and they have confirmed that they would consider employing a school student in this vacancy.

prescribed position

A position in which a person works, or is likely to work, with children.

procedure

A series of mandatory step-by-step instructions that state how a policy or decision must be implemented.

productive work

The completion of tasks or goals for the company which may produce a product or service for the employer.

safe work system

A system that is used in a workplace to identify and mitigate or remove the risk associated with undertaking a task.

school representative/school staff

School representative including teachers and support staff.

school work

Accredited or non-accredited learning that a student is undertaking as part of their enrolment at school.

short-term industry placement

A short-term placement in industry that provides sufficient time to gain knowledge, skills and attitudes in the context of real work environment and that enables the student to achieve their identified learning goal/s.

student

A person who is enrolled in a school in South Australia, however, when read in conjunction with this procedure, the definition particularly refers to persons enrolled in government schools.

students with a medical condition or disability

A student with additional needs that requires adjustment in the workplace or school.

virtual work experience

A student connects with a workplace learning provider through a virtual platform where they are connected to an on-the-job supervisor, employees/staff of the organisation and possibly other students engaging in the virtual placement. This should not be confused with programs that offer business problems through a package of work that students self-direct themselves to complete virtually.

WHS training program

Work Health and Safety (WHS) Training is a program/course that engages and educates students about their rights and responsibilities when they are engaged in work placement.

work shadowing/observation

Students watch someone do their job and are then engaged in conversation to explore career options. This may also include students helping a staff member with tasks that are appropriate to their skill level and qualifications, and/or include Problem Based Learning (PBL), which consists of small projects that can be completed fully supervised but with some level of independence.

workplace learning provider

An employer who has completed a Workplace Learning Agreement form with a school to host students in a workplace learning site.

Supporting information

[RRHAN-EC mandatory notification training](#)

[Student volunteers](#) (staff login required)

[Working with Children Checks](#)

[Working in the aged care sector](#)

[Working with vulnerable people](#)

[Workplace Learning Agreement form \(PDF 494KB\)](#)

[Workplace Learning Monitoring Report form \(PDF 535KB\)](#)

Related legislation

[Children and Young People \(Safety\) Act 2017 \(SA\)](#)

[Child Safety \(Prohibited Persons\) Act 2016 \(SA\)](#)

[Disability Inclusion Act 2018 \(SA\)](#)

[Education and Children Services Act 2019 \(SA\)](#)

[Equal Opportunity Act 1984 \(SA\)](#)

[Fair Work Act 2009 \(Cth\)](#)

[Return to Work Act 2014 \(SA\)](#)

[Work Health and Safety Act 2012 \(SA\)](#)

Related policies

[Camps and excursions policy \(PDF 248KB\)](#)

[Duty of care to children and young people policy \(PDF 182KB\)](#) (staff login required)

[EDSAS \(FS60.99\) – Student Work Experience/Workplace Learning Details \(PDF 93KB\)](#) (staff login required)

[Information and records management policy \(PDF 139KB\)](#) (staff login required)

[Mandatory notification procedure \(PDF 204KB\)](#)

[Reporting critical incidents, injuries, hazards and near misses procedure \(PDF 234KB\)](#) (staff login required)

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