

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

The *Workplace Learning Procedure* outline the procedure 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 apply to government schools in South Australia. This procedure has been developed for workplace learning where the workplace is regulated by Australian legislation and are therefore not relevant to international workplace learning.



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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. 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 three 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 three ways:

1. Work Experience
2. Structured Workplace Learning
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. See definition section to clarify the parameters of virtual placements.

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

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 for School Students

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.

Students' 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 five Acts listed below have a significant role in keeping students safe while engaged in workplace learning, which are:

- Work Health and Safety Act 2012 (SA)
- Children and Young People (Safety) Act 2017 (SA)
- Child Safety (Prohibited Persons) Act 2016 (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 WHS Act 2012, "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,
- 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, and
- take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.

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

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 check's for students and workplace learning providers see Screening and National Police Checks in section 3 below.

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 Forms](#) are 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
 - the Workplace Learning Tasks section has been completed and the school is satisfied that the tasks are suitable for the identified student
 - 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. Assess the student's readiness to undertake workplace learning:
- the student has completed a Work Health and Safety Training Program
 - the school has completed the Student Readiness section of the Workplace Learning Agreement form
 - 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 due to 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. In addition, the tasks must support the student to achieve their identified learning goal/s.

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.

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.

Virtual work experience will require access to suitable technology so that students can interact with the workplace learning provider through several methods. These may include phone, email or internet-based delivery platforms. The activities/tasks undertaken during the work experience should be agreed by the employer and school prior to the placement.

Structured Workplace Learning

As part of some Vocational Education and Training (VET) courses, students will be 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 Trialling for an Apprenticeship or Traineeship for School Students

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 program 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, in partnership with SafeWork SA and Return to Work SA, have developed a student appropriate Work Health and Safety training program called [WorkPRO](#).

WorkPRO: Work Preparation Readiness Orientation, is a program designed to engage and educate students about their rights and responsibilities during workplace learning. The course includes 12 modules that cover what a student needs to know to keep themselves and others safe while participating in workplace learning.

1. Getting Ready
2. Speaking up
3. Rights and Responsibilities
4. Laws and Rules
5. Hazards
6. Chemicals
7. Communication
8. Manual Handling and Ergonomics
9. Personal Protective Equipment
10. Handling Unusual Situations
11. Mental Health
12. What's Next

Students must complete a Work Health And Safety training program (such as WorkPRO) within the calendar year they undertake their first workplace learning activity. If a student undertakes any additional workplace learning in any years following the first, they must complete the WorkPRO Refresher Module. This provides schools with the assurance that students still understand their rights and responsibilities when engaging in a placement.

Completing WorkPRO 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 as part of 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, aged 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 for students

Students need a Working with Children Check if they are undertaking workplace learning where it is reasonably foreseeable that they will work with children. From 1 July 2019, students over the age of 14 will be required to obtain a Working with Children Check if the placement involves:

- the student will be working with children more than 7 days (consecutive or not) in a calendar year); or
- the student will be undertaking child-related work which involves overnight excursions or activity (for example, a school camp); or
- the student will be 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 need 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 at [Screening.sa.gov.au](https://www.screening.sa.gov.au).

Working with Aged or 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.

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.

The [RRHAN-EC](#) is mandated training to work or volunteer in education. 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.

As there is a legal obligation to report reasonable suspicion of risk or risk of harm to a child, there is an expectation for schools to confirm students' suitability in working with younger children and in fulfilling this legal requirement.

Workplace learning duration

Work Experience

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

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

Structured Workplace Learning

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 for School Students

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/carer, 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.

Please note that 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 subdivision 3 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.

To help both employers and schools to identify and mitigate risks associated with student placement, the workplace learning provider must complete section 2 of the Workplace Learning Agreement form.

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

- are a registered business
- have public liability insurance
- have a safe work system 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+.
- have submitted a description of the workplace learning tasks including the risk and mitigation strategies
- have identified the workplace on-the-job supervisor
- have completed the Declaration 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/s 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.

Assessing Student Readiness for workplace learning

Schools have a responsibility to assess the functional need of individual students and suitability of workplace learning.

Student Readiness Assessment considerations:

- adjustments due to health and physical ability have been considered
- ensure that the workplace environment is suitable for the students' needs
- for independent 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
- the student is willing to learn and positively participate in the placement
- the student has identified learning goals for the placement
- the student has successfully completed a WHS program as described in section 3 of this document and the school is satisfied that the student is able to keep themselves and others safe in the workplace.

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 LGBTIQ+.

The school will need to review the student's information and eligibility to participate in the work placement, the work placement details, and be satisfied that the student has the capacity to keep themselves and others safe in the identified work placement.

Once the school is satisfied that the student is suitable for the placement they should complete the rest of the Workplace Learning Agreement form, have the school, employer, student and carer (if under 18) sign and provide copies to all parties.

Bilingual and cultural support services can be engaged by schools to support families from English and Additional Language or Dialect (EALD) backgrounds to understand and complete the Workplace Learning Assessment form. School's Aboriginal Secondary Education Transition Officers (ASETO) and the Workabout Centres 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.

Where support from an outside agency has been negotiated, these details are recorded on the Workplace Learning Agreement form under Additional Support.

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 a disability may be connected to agencies outside of the Department for Education, these agencies may have the capacity to support a student's engagement in a placement. 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.

If an external agency has agreed to support the student during the workplace learning this must be recorded on the Workplace Learning Agreement form in the "Additional Needs: medical condition, medication, disability and/or learning needs that may affect this student on work placement" section.

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 carer
- 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 carer 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 needs 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 its 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). Check with the Department for further resources regarding workplace learning for students with disability.

Payments 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. However, 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. 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 placements

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, 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 by electronic means

- 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 Monitoring Report](#) or a suitable alternative form or process.

5. Forms

Workplace Learning Agreement Form

The [Workplace Learning Agreement form](#) 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.

1. **Student:** this section includes information relating to student and carer contact details, learning goals and the student readiness assessment
2. **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
3. **Acknowledgement and Declarations:** this section is where all stakeholders acknowledge and agree to their roles and responsibilities as detailed in the form.

Work Placement Monitoring Form

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 using the [Workplace Monitoring Form](#) must be recorded and stored in the Student's File. 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 emergency contact to be called immediately. If contact cannot be made, the Principal or delegate must instruct the supervisor in the workplace to obtain the services of a suitably qualified medical practitioner and to convey the student to a place suitable for treatment
- without making any admissions of liability, request a written report from the workplace learning provider detailing the incident/accident
- complete a Department for Education Incident and Response Management System (IRMS) report.

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

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 (tel: 13 14 78), whether at or away from the workplace. Proof that the harm or risk has occurred is not required. Dial 000 if there is an immediate risk to the safety of a child.

School personnel should follow the [Mandatory notification procedure](#) 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 e.g. 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 Safe Work 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 at: education.legalclaims@sa.gov.au

Ambulance cover for students on workplace learning

Ambulance costs are primarily the responsibility of the individual or their 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.

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, e.g. 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. 08 8226 1555. Any claims received in relation to work placements must be forwarded to the Claims Manager at: 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'.

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 at: 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 for Education IRMS Reporting 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, i.e. 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 at education.legalclaims@sa.gov.au:
 - the Workplace Learning Agreement form
 - the ED155 Injury Report Form
 - any incident report provided by the workplace learning provider
 - a covering note from the school
 - any written claim from the student/carer

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 version 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
- forward information and any claim received to the Legal Services Claims Manager at: 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 e.g. forms from other States.

All Department for Education schools must maintain records in accordance with the Department's Information Management policy, 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 Records Management Unit on 8226 1223 or email Education.Records@sa.gov.au

Roles and responsibilities

The following is a summary of the key roles and responsibilities of stakeholders in the Workplace Learning Procedure process.

Department for Education

- Maintaining the workplace learning procedure
- Liaising with government schools over any issues related to interstate placements
- Responding to enquiries from schools, carers and workplace learning providers
- Processing accident/incident reports in accordance with Departmental procedures
- Insuring work placement students for personal accident and public liability.

Schools and their staff

- 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.

Carer/students 18 and over or 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 Workplace Learning 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 a student/s in a workplace learning site.

Supporting information

[Workplace Learning Agreement form](#)

[Workplace learning monitoring report form](#)

Related legislation

[Education and Children Services Act 2019](#)

[Work Health and Safety Act 2012](#)

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

[Return to Work Act 2014](#)

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

[Equal Opportunity Act 1984](#)

[Fair Work Act 2009](#)

[Disability Inclusion Act 2018](#)

Related policies

[Camps and excursions Policy](#)

[Duty of Care Policy](#)

[Information Management Policy](#)

[Mandatory notifications procedure](#)

[Student volunteers](#)

[Working with children checks](#)

[Working in the Aged Care Sector](#)

[Working with Vulnerable People](#)

[Injury Incident Reporting and Investigation Procedure](#)

[EDSAS Student Work Experience/Workplace Learning Details](#)

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