

Guidelines for the Provision of Personal Care Support in Schools



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Foreword

The *Guidelines for the Provision of Personal Care Support in Schools* have been developed by the Catholic Education Commission of Victoria Ltd (CECV) to assist schools in providing personal care for some students with special needs. It reflects the values of Catholic education across the four dioceses of Victoria with the aim of fostering a sense of community and belonging for all.

Catholic schools are committed to providing equitable access and opportunity for all learners through the implementation of inclusive practices that embrace and celebrate diversity. Foundational to this is the building of genuine and authentic relationships with students, families and communities. Through this, schools not only live their Catholic identity but also recognise and support the inherent dignity of each person.

These Guidelines are intended to assist schools in developing structures, processes and practices that are conducive to supporting students who require personal care support. The Guidelines ensure that schools consider not only their legal obligations under the *Disability Discrimination Act 1992*, Child Safe Standards and Reportable Conduct Scheme, but also their commitments arising from the Catholic education ethos.

I commend this publication to you.



Stephen Elder
Executive Director
Catholic Education Commission of Victoria Ltd

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Learning diversity and inclusion in a Catholic school

All students regardless of race, age or gender, by virtue of their dignity as a human person, have a right to an education that is suited to their particular needs and adapted to their ability (Pope Paul VI 1965).

An inclusive education system can be described as one which values diversity and seeks to engage every learner, regardless of academic, cultural, physical, social and emotional or behavioural differences. With this inclusive and culturally responsive context, Catholic schools are committed to fostering inclusive practices so that all students are welcomed, valued, acknowledged and actively engaged in learning and experience success (CECV 2015).

Catholic schools recognise that every child is special and unique – and make every effort to cater for individual needs, including for those requiring personal care support.

Personal care support

Personal care support is defined as daily living support that would usually be provided by parents/carers/guardians (DET 2017). Some students may require personal care support due to their age, development delay, and medical conditions for short term circumstances (e.g. wearing a plaster cast) or long term circumstances (e.g. complex medical needs).

The provision of support may be in relation to toileting and personal hygiene, eating and drinking, or transfers and positioning (DET 2017).

Under the [Disability Discrimination Act 1992](#) (Cth) and the [Disability Standards for Education 2005](#), schools have an obligation to make 'reasonable adjustments' for students with disability to participate in education on the same basis as students without disability (Australian Government DET 2014).

The Victorian Department of Education and Training's (the Department) [School Policy Advisory Guide – Personal Care](#) advises that schools must:

- fulfil their duty of care to all students by assisting with infrequent and situational personal care needs
- support students with long or short term personal care needs by preparing a Personal Care Plan.

Legal obligations

The following legislation applies to the provision of personal care support for students with a disability or require adjustments in this area.

Disability Discrimination Act 1992

The [Disability Discrimination Act 1992](#) (DDA) is Australian Government legislation that:

- provides protection against discrimination based on disability.
- seeks to eliminate, as far as possible, discrimination against people with disability in a range of areas, including education.
- makes it against the law for an education authority to discriminate against a person on the ground of the person's disability.

Disability Standards for Education 2005

The [Disability Standards for Education 2005](#) (DSE) is a subordinate legislation under the DDA that clarifies and elaborates the legal obligations of education providers towards students with disability under the DDA and sets out how education is to be made accessible to students with disability. It is unlawful under the DDA to contravene a Standard (Australian Government DET 2014).

The DSE covers five main areas:

1. enrolment
2. participation
3. curriculum development
4. accreditation and delivery
5. student support services and elimination of harassment and victimisation.

Under the standards all schools must:

- ensure that students with disability are able to access and participate in education on the same basis as those without disability
- make or provide 'reasonable adjustments' for students where necessary to enable their access and participation
- consult with the student or their associate (for most students, this means their parents/guardians/carers)
- recognise that not all students with disability are alike (students with disability have specific needs, including the type and level of support they need to access and participate in all aspects of education on the same basis as students without disability).
(Australian Government DET 2014)

Child Safe Standards (Ministerial Order No. 870)

In response to the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Organisations' 2013 report [Betrayal of Trust](#), the Victorian Government has progressively introduced policy and legislative reforms to ensure organisations providing services for children and young people prioritise their safety and wellbeing (CECV 2016a).

The introduction of the Child Safe Standards and the Reportable Conduct Scheme form a key part of the government's response.

In accordance with [Ministerial Order No. 870](#) (the Order), under the *Education and Training Reform Act 2006* (Vic.), all Victorian schools are required to comply with Child Safe Standards from 1 August 2016 as part of their Victorian Registration and Qualifications Authority (VRQA) registration requirements.

The seven child safe standards are:

- 1. Organisational culture for child safety**
Strategies to embed an organisational culture of child safety as per Clause 7 of the Order
- 2. Child safety policy**
A child safety policy or a statement of commitment to child safety as per Clause 8 of the Order.
- 3. Code of conduct**
A child safety code of conduct as per Clause 9 of the Order.
- 4. Human resources practices**
Screening, supervision, training, and other human resources practices that reduce the risk of child abuse as per Clause 10 of the Order.
- 5. PROTECT: Identifying and responding to all forms of abuse**
Procedures for responding to and reporting suspected child abuse as per Clause 11 of the Order.
- 6. Reducing or removing risks of abuse**
Strategies to identify and reduce or remove risks of child abuse as per Clause 12 of the Order.
- 7. Empowerment of children**
Strategies to promote child participation and empowerment as per Clause 13 of the Order.

(CECV 2016b)

In implementing the minimum Child Safe Standards, schools must take account of the principle of inclusion. This means that schools must consider the diversity of all children in their communities, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable (State of Victoria 2016).

Standard 3 (Code of conduct) has the objective of promoting child safety in schools by establishing clear expectations of staff and volunteers when interacting with children in order to safeguard them against sexual, physical, psychological and emotional abuse and/or neglect (CECV 2016b).

The VRQA has provided an [information sheet](#) for schools with examples of statements about acceptable and unacceptable behaviours which could be included in a school's code of conduct when dealing with children. This is to assist with the protection of children from abuse and to provide clarity to school staff who work with children (VRQA 2016).

The Catholic Education Commission of Victoria Ltd (CECV), in consultation with the Independent Education Union Victoria/Tasmania (IEU), developed the [Guide for Catholic schools developing a Child Safety Code of Conduct](#) to assist each Victorian Catholic school to develop its own code of conduct. The Guide includes a sample code of conduct based on the statements of acceptable and unacceptable behaviours suggested by the VRQA that may be included in a school's code of conduct.

The examples state that:

- all staff, volunteers and board/school council members are responsible for promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- the adult/child relationship should be professional at all times
- an adult's response to a child's behaviour or circumstance should be commensurate with the child's age and vulnerability, and the adult's responsibility for the care, safety and welfare of the child
- an adult should not be alone with a child unless there is line of sight to other adults
- ensure as far as practicable that adults are not alone with a child
- staff and volunteers must not initiate unnecessary physical contact with children or do things of a personal nature that a child can do for themselves, such as toileting or changing clothes.

(VRQA 2016; CECV 2016c)

Many Catholic schools have incorporated these statements into their school's code of conduct which apply to adult behaviour with all children. In line with the principle of inclusion, these statements have implications for practice when managing the personal care needs of young people.

Reportable Conduct Scheme

The new Victorian Reportable Conduct Scheme (the Scheme) commenced on 1 July 2017 and aims to implement a system of independent oversight into the responses of organisations to allegations of child abuse and neglect.

The Scheme forms part of the broader Victorian child safety reform framework. Both the Child Safe Standards and the Scheme aim to prevent, and ensure appropriate responses to, child abuse in organisations.

The Scheme creates reporting obligations for schools and other organisations which exercise care, supervision or authority over children. Under the Scheme, schools must report allegations of misconduct to the Victorian Commission for Children and Young People (CCYP).

Information outlining the Scheme and the responsibilities of the head of an entity (i.e. Governing Authority) can be found on the [Commission for Children and Young People's](#) website.

There are five types of 'reportable conduct':

- Sexual offences committed against, with or in the presence of a child
- Sexual misconduct committed against, with or in the presence of a child
- Physical violence against, with or in the presence of a child
- Any behaviour that causes significant emotional or psychological harm to a child
- Significant neglect of a child.

(CCYP 2017a)

What is neglect?

In relation to personal care support, schools need to be mindful of their obligations in regards to the area of **neglect** under the Scheme.

Neglect occurs when a person does not meet their obligations and responsibilities to keep a child safe and well (CCYP 2017b). Under the Scheme neglect becomes reportable conduct when it is: more than minor or insignificant in nature. It does not need to have a lasting or permanent effect and it may be an ongoing or one-off incident (CCYP 2017b).

Neglect may present in the form of medical, supervisory or physical neglect, for example:

- Medical neglect – failure to provide for appropriate medical care of a child, including failure to acknowledge the seriousness of an illness or condition, or deliberately withholding appropriate care.
- Supervisory neglect – absence or inattention of a person which places the child at risk of physical harm or injury, sexual abuse or allows other criminal behaviour towards the child.
- Physical neglect – failure to provide basic physical necessities for a child, such as adequate food, clothing and housing.

(CCYP 2017b)

Supporting personal care needs

A school's Personal Care Plan for students with a disability or who require adjustments in this area are established through a Program Support Group.

Program Support Group

Where a student has a disability or additional learning need/s, a Program Support Group (PSG) involving key stakeholders, with the greatest knowledge of the student, should be established to work collaboratively to address their needs (CECV 2017a).

The PSG is responsible for:

- establishing shared goals for the student's social, emotional and educational development
- ensuring that SMART goals are measurable and achievable, ongoing and future-focused
- planning reasonable adjustments to enable the student to access and participate as outlined in their personalised learning plan (PLP), medical management plan, personal care plan and/or behaviour support plan (BSP)
- providing opportunity for the student and student's parents/carers/guardians to work collaboratively with school personnel and allied health professional in goal setting and planning
- monitoring student progress at PSG meetings at least once per term and adapting goals and adjustments accordingly.

(CECV 2017)

Key stakeholders

A Program Support Group involves the following stakeholders:

The student (where appropriate) can:

- participate in their personal care planning process
- discuss with their parents/carers/guardians and school staff about any issues related to their personal care plan.

Parents/carers/guardians should:

- inform the school of their child's condition at enrolment, or as soon as possible after diagnosis
- provide the school with medical documentation relating to their child's health needs.
- where the student requires continence care, it is recommended that the Department's [Personal Care Medical Advice Form](#) is provided to the school
- consent for the school staff to contact their child's treating health professionals

- notify the school if there are any changes or challenges to their child’s health needs
- discuss changes and provide updated medical advice to the school as soon as possible after they have changed
- participate in PSG meetings.

Principals (or their delegate) should:

- establish a PSG to discuss with the student, parents/carers/guardians and school staff personal care needs
- work with the PSG to establish, monitor and review the personal care plan (it is recommended that schools refer to the Department’s [Student Health Support Plan](#))
- ensure that the personal care plan takes into consideration the school’s legal obligations (i.e. Child Safe Standards)
- monitor student and school staff needs
- determine training requirements for responsible school staff (i.e. manual handling) and ensure protocols around [hand hygiene](#) are implemented at the school by school staff
- forward plan for offsite activities (i.e. school camp, swimming program, excursions)
- facilitate/mediate issues that may arise with the student, parents/carers/guardians and school staff. If issues escalate, contact staff at the relevant CECV Diocesan/Regional Office
- identify the responsible school staff who will enact the personal care plan:
 - in identifying the responsible staff, the principal needs to ensure that appropriate recruitment practices are followed (as per Child Safe Standard 4) and consider implementing a team of responsible staff that would support the student rather than one staff member.

Note: as per the [Victorian Catholic Education Multi Enterprise Agreement 2018](#) – where an education support employee is required to undertake specific training to support a student who has unstable health and/ or complex health needs and the training is required to support that student daily in his or her school routine – they should receive a Medical Support Allowance.

As of 1 April 2019, the current amount is \$697 per annum (CECV 2018). Please refer to the table below:

Effective from the first pay period on or after	Amount per annum
1 April 2019	\$697
1 October 2019	\$709
1 April 2020	\$720
1 October 2020	\$733

Responsible school staff should:

- agree to implement the personal care plan for the student
- work with the PSG to establish, monitor and review the personal care plan
- undertake any required training
- communicate any issues or concerns for discussion and resolution at the PSG.

Factors to consider –Personal Care Plan

Where a student requires toileting and personal hygiene support, several options should be discussed, and the most appropriate option for the student determined and agreed upon through the PSG (CECV 2017b).

Factors that need to be considered when determining the most appropriate Personal Care Plan for a student include:

- ensuring the dignity of the student is maintained
- the student's cognitive capacity to make decisions for themselves and involving them in the planning process where appropriate
- the degree to which the student is able to complete toileting and personal hygiene for themselves (i.e. student is able to complete most tasks independently and the school staff member is there to supervise)
- the degree to which the student can discriminate between appropriate/inappropriate behaviours (i.e. is able to identify if unnecessary physical contact was being initiated by a school staff person).

Case example:

*If the student were older, completed the majority of their toileting and personal hygiene needs independently, was cognitively able to make decisions around adjustments for themselves and could discriminate between appropriate and inappropriate behaviours, it could be appropriate for it to be determined and agreed upon through the PSG that only **one** school staff person was required to support the toileting and personal hygiene needs of the student.*

It is imperative that the personal care plan clearly outlines the support process and that this document is signed off by all members of the Program Support Group.

Continence care resources

Personal care support for some students may include dealing with continence issues. The following resources provide information and assistance.

School Policy and Advisory Guide

The Department's [School Policy and Advisory Guide – Continence Care](#) provides information for schools regarding supporting students with incontinence including further information and resources (i.e. [Personal Care Medical Advice Form – Continence, Toileting Care and Learning Plan and Student Health Support Plan](#)).

Continence Aids Payment Scheme

Students who are aged five years or older, have a permanent and severe loss of bladder and/or bowel function (incontinence) due directly to an eligible neurological condition or an eligible other condition, and are an Australian permanent resident or citizen, are eligible to apply for the [Continence Aids Payment Scheme](#) through Medicare. Please refer to the [Department of Human Services website](#) for further information.

Victorian Continence Resource Centre

The Victorian Continence Resource Centre (VCRC) provides awareness, prevention and treatment information for individuals that experience continence issues. Please refer to <http://continencevictoria.org.au> and Continence Advisory Service 1300 220 871 for further information.

Hand hygiene

In supporting students with incontinence, it is important that schools ensure that protocols around hand hygiene are implemented by school staff. Items used for protection/hygiene of school staff (e.g. gloves and wipes) are expected to be provided by the school whereas personal care items (i.e. nappies, sanitary pads) would be supplied by the family.

Please refer to [RCH@ Home Manual: Infection Prevention and Control Practices in the Home and Community](#) for further information.

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