

EDUCATION AND TRAINING REFORM ACT 2006

Ministerial Order No # 90 - Anaphylaxis Management in schools

The Minister for Education makes the following Order:

1. Background

- 1.1 Section 4.3.1(6) of the *Education and Training Reform Act 2006 Act* contains the prescribed minimum standards for the registration of schools.
- 1.2 Sub clause (c) of section 4.3.1(6) states that if the school has enrolled a student in circumstances where the school knows, or ought reasonably to know¹, that the student has been diagnosed as being at risk of anaphylaxis, then the school must have an anaphylaxis management policy containing matters required by a Ministerial Order.

2. Purpose

The purpose of this Order is to specify the matters that:

- (i) schools applying for registration; and
- (ii) registered schools;

must contain in their anaphylaxis management policy for the purposes of section 4.3.1(6)(c) of the *Education and Training Reform Act 2006*.

3. Commencement

This Order comes into operation on 14 July 2008.

4. Authorising provisions

This Order is made under sections 4.3.1, 5.2.12, 5.10.4 and clause 11 of Schedule 6 of the *Education and Training Reform Act 2006*, and section 13 of the *Interpretation of Legislation Act 1984*.

5. Definitions

- 5.1 ETR Act means the *Education and Training Reform Act 2006*
- 5.2 The following words have the same meaning as in the ETR Act:
 - (i) parent²;
 - (ii) principal³;

¹ Note: The phrase 'ought reasonably to know' was explained by Minister Madden in the Legislative Council during the second reading debates on the Act on 26 February 2008. The Minister stated: 'Ought reasonably to know' means that schools are reminded of the need to take reasonable steps to find out whether their students have a severe allergy -- for example -- as part of their enrolment procedures. This is the practice in schools already, and it is a requirement in the anaphylaxis guidelines.'

² Parent is defined in section 1.1.3 of the ETR Act in relation to a child to include a guardian and every person who has parental responsibility for the child including parental responsibility under the Family Law Act of the Commonwealth and any person with whom a child normally or regularly resides.

³ Principal is defined in s1.1.3 of the ETR Act as meaning a person appointed to a designated position as principal of a registered school or a person in charge of a registered school.

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(iii) registered school⁴; and

(iv) school⁵.

5.3 “anaphylaxis management training course” means:

(i) a course in anaphylaxis management training accredited under Chapter 4 of the *Education and Training Reform Act 2006* (**ETR Act**) by the Victorian Registration and Qualifications Authority⁶;

(ii) a course in anaphylaxis management endorsed and delivered by a tertiary level specialist allergy service within a tertiary level academic teaching hospital; and

(iii) any other course approved by the Secretary to the Department of Education and Early Childhood Development for the purpose of this Order.

5.4 “medical practitioner” means a registered medical practitioner within the meaning of the *Health Professions Registration Act 2005*⁷, but excludes a person registered as a non practicing health practitioner;”

5.6 “school staff” means:

(i) in respect of a Government school, a person employed at the relevant school:

(a) under Part 2.4 of the ETR Act in the Government Teaching Service; or

(b) under a contract of service by the council of the school under Part 2.3 of that Act;

(ii) in respect of a non Government school, a person employed at the relevant school by its proprietor, Governing body or other person under a contract of service.

PART 2 – ANAPHYLAXIS MANAGEMENT POLICY

6. The school's anaphylaxis management policy must contain the following matters:

(a) individual anaphylaxis management plans in accordance with clause 7;

(b) a communication plan in accordance with clause 8;

(c) procedures for the training of school staff and emergency response in accordance with clause 9.

⁴ *Registered school* is defined in section 1.1.3 of the ETR Act as meaning ‘a school registered under Part 4.3’

⁵ School is defined in s1.1.3 of the ETR Act as meaning a place at or from which education is provided to children of compulsory school age during normal school hours, but does not include—

- (a) a place at which registered home schooling takes place;
- (b) a University;
- (c) a TAFE institute;
- (d) an education service exempted by Ministerial Order;
- (e) any other body exempted by the regulations.

The Education and Training Reform Regulations 2007 exempt various other bodies from the definition of school.

⁶ Note: As at the date of this Order, the following courses in anaphylaxis management training are accredited by the Victorian Registration and Qualifications Authority:

- (a) Course in the Administration of Adrenaline using a Controlled Dose Adrenaline Injecting Device for Anaphylaxis (course number 21659VIC);
- (b) Course in Anaphylaxis Awareness (course number 21827VIC) [Q&A]

⁷ Section 3 of that Act defines a *registered medical practitioner* as a medical practitioner registered under Part 2 of that Act by the Medical Practitioners Board of Victoria but does not include a registered student.

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PART 3: INDIVIDUAL ANAPHYLAXIS MANAGEMENT PLANS

7. The school's anaphylaxis management policy must contain the following matters.
- (a) It must state that the principal of the school is to be responsible for ensuring that an individual anaphylaxis management plan is developed, in consultation with the student's parents, for any student who has been diagnosed by a medical practitioner as being at risk of anaphylaxis.
 - (b) It must state that the individual anaphylaxis management plan must be in place as soon as practicable after the student enrolls, and where possible before the student's first day at that school.
 - (c) It must state that the individual anaphylaxis management plan must set out the following:
 - (i) Information about the diagnosis, including the type of allergy or allergies the student has (based on a diagnosis from a medical practitioner).
 - (ii) Strategies to minimise the risk of exposure to allergens while the student is under the care or supervision of school staff, for in-school and out of school settings including camps and excursions.
 - (iii) The name of the person/s responsible for implementing the strategies.
 - (iv) Information on where the student's medication will be stored.
 - (v) The student's emergency contact details.
 - (vi) An emergency procedures plan, provided by the parent, that:
 - sets out the emergency procedures to be taken in the event of an allergic reaction;
 - is signed by a medical practitioner who was treating the child on the date the practitioner signs the emergency procedures plan; and
 - includes an up to date photograph of the student.
 - (d) It must require the school to review the student's individual management plan in consultation with the student's parents/carers:
 - (i) annually;
 - (ii) if the student's medical condition changes; and
 - (iii) immediately after a student has an anaphylactic reaction at school.
 - (e) It must state that it is the responsibility of the parent to:
 - (i) provide the emergency procedures plan referred to in clause 7(c)(vi);
 - (ii) inform the school if their child's medical condition changes and if relevant provide an updated emergency procedures plan; and
 - (ii) provide an up to date photo for the emergency procedures plan when that plan is provided to the school and when it is reviewed.

PART 4: COMMUNICATION PLAN

8. The school's anaphylaxis management policy must state that:
- (a) the principal of a school is responsible for ensuring that a communication plan is developed to provide information to all staff, students and parents about anaphylaxis and the school's anaphylaxis management policy;
 - (b) the communication plan must include information about what steps will be taken to respond to an anaphylactic reaction by a student:
 - in a classroom;

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- in the school yard;
 - on school excursions;
 - on school camps; and
 - special event days conducted or organised by the school, such as sport days.
- (c) the communication plan must include procedures to inform volunteers and casual relief staff of students at risk of anaphylaxis and their role in responding to an anaphylactic reaction by a student in their care;
- (d) the principal of a school is responsible for ensuring that all school staff are briefed at least twice a year (the first one to be held at the beginning of the school year) by a staff member who has up to date anaphylaxis management training, on:
- (i) the school's anaphylaxis management policy;
 - (ii) the causes, symptoms and treatment of anaphylaxis;
 - (iii) the identities of students diagnosed at risk of anaphylaxis and where their medication is located;
 - (iv) how to use an adrenaline auto-injecting device, including hands on practise with a trainer adrenaline auto-injecting device⁸; and
 - (v) the school's first aid and emergency response procedures.

PART 5: STAFF TRAINING AND EMERGENCY RESPONSE

9. The school's anaphylaxis management policy must state that:

- (a) teachers and other school staff who conduct classes which students at risk of anaphylaxis attend, or give instruction to students at risk of anaphylaxis must have up to date training in an anaphylaxis management training course;
- (b) at other times while the student is under the care or supervision of the school, including excursions, yard duty, camps and special event days, the principal must ensure that there is a sufficient number of staff present who have up to date training in an anaphylaxis management training course;
- (c) the principal is responsible for identifying the school staff who are to be trained under paragraph 9(b) based on an assessment of the risk of an anaphylactic reaction occurring while the student is under the care or supervision of the school;
- (d) the principal must ensure that training is provided to school staff referred to in paragraph 9(a),(b) and (c) as soon as practicable after the student enrolls;
- (e) wherever possible training must take place before the student's first day at the school. Where this is not possible, an interim plan must be developed in consultation with the parents;
- (f) the school's first aid procedures and the student's emergency procedures plan must be followed in responding to an anaphylactic reaction.

This order takes effect on and from 14 July 2008.

Dated this 23rd day of May 2008



Bronwyn Pike

MINISTER FOR EDUCATION

⁸ EpiPen[®]