



Department of Education and
Early Childhood Development

Drugs and Schools: Legal Issues

A Guide for Principals

3rd Edition September 2009

*Every
child,
every
opportunity*



**Published by the Communications Division
for Student Wellbeing Division
Department of Education and
Early Childhood Development
Melbourne
September 2009.**

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and Early Childhood Development,
2 Treasury Place, East Melbourne, Victoria, 3002.

This document is also available on the internet at
www.education.vic.gov.au/drugeducation

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Introduction

This guide has been updated from the second edition in 2000 to ensure that the information reflects current legislation and Department of Education and Early Childhood Development policy. It has been prepared to assist principals of Victorian Government schools respond to drug-related incidents. Principals should ensure that this information is made available to all staff and the school council. It should be read in conjunction with the [Victorian Government Schools Reference Guide](#) (hereafter referred to as the Schools Reference Guide) and [Effective Schools are Engaging Schools – Student Engagement Policy Guidelines](#) (hereafter referred to as the Student Engagement Policy Guidelines).

This document will be updated as required to take account of changes in Department of Education and Early Childhood Development policies, regulations or legislation. Refer to the Schools Reference Guide for policy updates.

All references to ‘parents’ in this document include ‘guardians’.

The Department of Education and Early Childhood Development will hereafter be referred to as the Department.

Drug education

A critical element of a school’s drug education program is the management of risk through compliance with legislation and Departmental policy. Schools are required to develop procedures for responding to drug-related incidents. Procedures should deal with illegal possession or use of licit/illicit drugs in school and monitor the behaviour and progress of students involved.

Stringent monitoring, evaluation and reporting requirements reinforce a school’s commitment to safeguarding the interests of all students.

While the school principal has overall responsibility for students and certain members of staff have particular designated duties for monitoring student welfare, all staff have responsibility for student wellbeing and discipline.

Duty of care – general principles

Consideration of a teacher’s duty of care is central to any policy development in relation to illicit drugs.

Whenever a student-teacher relationship exists, the teacher has a special duty of care. This is defined as:

“A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher’s charge from risks of injury that the teacher ‘should reasonably have foreseen’. (Richards v State of Victoria (1969) VR 136 at p.141). Also refer to Section [4.6.1.2 of the Schools Reference Guide](#).

If a student wishes to take action for damages against an educator/school, three elements need to be established:

- The party sued owes the injured party a duty of care.
- The duty of care has been breached and has caused the injury for which the injured party is seeking redress, which is usually in the form of monetary damages.
- The breach of duty has led to actual damage, which may be physical or psychological injury, or consequential loss.

The measures required to satisfy that duty (i.e. the standard of care) will vary depending on various factors such as age, danger and past experience.

The legal duty of educators requires that they take reasonable measures to protect students in their care from risks of injury that the educator should have reasonably foreseen.

In summarising the duty of care owed by schools, it is fair to say that:

- the duty of care is higher than that owed by a reasonable parent;

- the duty is clearly to take reasonable care to avoid harm and to take positive action to prevent injury; and
- the duty is not that of strict liability like WorkCover which provides automatic compensation to workers injured at work, without any negligence having to be proved. Instead, the school's liability for any injury first requires it to be established that the school breached its duty of care to the injured person, and the injury was caused by that breach.

For example, the schoolyard is a common environment where a student may suffer physical injury. Falling from a monkey bar, falling over when running, being knocked over by other students, being hit by a ball and a range of other circumstances may result in a schoolyard injury to a student.

If a student alleges that his/her injury was caused by lack of teacher supervision, then the student would have to show that the supervision which allegedly should have been provided would, more probably than not, have prevented the injury occurring.

If that cannot be established, the claim will fail, as the student would be unable to show a causal link between the alleged breach of duty and the injury, or alternatively, the student was unable to show that there was a breach of duty in the circumstances. Refer to [4.6.1.2 of the Schools Reference Guide](#).

Terms used in this document

Drugs

Drugs include a range of substances, including prescribed medications, alcohol, tobacco and illicit substances. Some drugs are described as 'illicit' or 'unsanctioned'. 'Illicit' refers to drugs that the law makes illegal to use, possess, cultivate or traffic. 'Unsanctioned' refers to legal drugs that are illegal for young people to purchase in some circumstances, for example, alcohol. For the purpose of this document, where the word 'drug' is used, it refers to illicit drugs, unless otherwise stated. Refer to [4.6.6.2 of the Schools Reference Guide](#).

Drug supply

In this document 'supply' refers to incidents involving supplying, sharing, distributing or selling of drugs.

Mandatory reporting

Any person who is registered as a teacher or principal under the [Victorian Institute of Teaching Act 2001](#), or has been granted permission to teach under the Act, is mandated to report physical injury that results from abuse or neglect or sexual abuse, to the Department of Human Services, Child Protection, under the [Children, Youth and Families Act 2005](#). Such abuse may have resulted from drug use in an environment to which a student may have been exposed.

In the course of his/her duties, a teacher or principal may form a reasonable belief that a student is in need of protection on grounds that the student has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the student's parents have not protected or are unlikely to protect the student from harm of that type. There may also be situations relating to drug abuse in a home environment that involves failure by a family to protect a child from injury or harm. In such instances, the 'mandated professional' must make a report to the Department of Human Services, Child Protection as soon as is practicable after forming the belief; and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.

This legal requirement to report student physical and sexual abuse arises from Section 184 of the [Children, Youth and Families Act 2005](#). Also refer to [4.6.2 of the Schools Reference Guide](#).

While a staff member who is not a registered teacher or principal may not be mandated to report to Child Protection, there is still the responsibility and duty of care to ensure the student is safe from potential harm. Non-mandated school staff should make a report to Child Protection if they have formed a reasonable belief that the student is in need of protection.

Child FIRST

Schools may refer to Child FIRST as a way of connecting children, young people and their families to the services they need. For information about referrals to Child FIRST visit the Department of Human Services website at: <http://www.cyf.vic.gov.au/family-services/child-first>

School function

For the purpose of this document, a school function is an event approved or endorsed by the school principal or the school council at which students are under the supervision of school staff.

Student welfare coordinator

While all teachers have a responsibility for the welfare of students, some have a designated welfare coordination role. This includes student welfare coordinators, school counsellors, school chaplains and secondary school nurses.

Additional information

For information about drug education and resources for teachers and parents, visit the Department's drug education website at: www.education.vic.gov.au/drugeducation

For information, referral and support services for parents and children affected by family conflict, breakdown, mental illness, substance abuse, bereavement, disability and socio-economic disadvantage, visit the Department of Human Services website at: <http://www.cyf.vic.gov.au/child-protection-family-services/home>

Responses to commonly asked questions

Drug use at school

1 Is a school liable if it does not report illicit drug use at the school to the police?

It is not an offence if a school fails to report the use of illicit drugs to the police under criminal law. However, it is an offence against section 326 of the *Crimes Act 1958* if a person accepts a benefit for not disclosing information about a serious crime which carries a penalty of 5 years or more (for example administering a drug to obtain sex contrary to section 53 of the *Crimes Act 1958*).

However, a school has a duty of care to prevent reasonably foreseeable risks of injury to students. There are many instances in which a court, with the benefit of hindsight, could find teachers and the principal liable for not taking action to prevent a risk of injury. Depending on the seriousness of the incident, an appropriate response could involve contacting the parents or liaising with the police, or both. Refer to [4.6.6.2 of the Schools Reference Guide](#).

The Department and Victoria Police have agreed on a protocol concerning a crime alleged to have been committed by a student. For the purpose of the protocol, a criminal offence means any behaviour that could seriously threaten the safety, security or wellbeing of any person or property for which the principal has responsibility, and it includes use, possession or distribution of drugs.

Under the protocol concerning use, possession or distribution of drugs:

- the principal must refer an alleged criminal offence concerning use, possession or distribution of drugs to the police. If in doubt, the principal may obtain advice from the police contact person (station commander or sub-officer nominee);
- the principal must notify the parents of the student who is a suspect. The police will investigate and decide whether an offence has been committed; and
- the police contact person will initiate appropriate police action.

In addition the police will:

- provide advice to the principal when requested;
- notify the principal when a student at the school has been charged with an offence;
- assist the school to safeguard student welfare by informing the principal of any action taken or the result of information received.

Refer to [4.6.15 of the Schools Reference Guide](#).

Under the protocol, the police contact person must be advised of the school's knowledge of a suspected criminal offence – and that includes use, possession and distribution of drugs. Internal procedures at the school may also be implemented by way of education and counselling. Documenting information, responses and actions is essential.

2 Should a student be ordered from the school grounds for being involved in a drug-related incident during school hours?

The school's response in this circumstance must have regard to the seriousness of the situation. Parents and police must be informed. Principals have a duty of care to provide supervision for the student until he/she can be collected from school by a parent.

If police need to interview the student, normal procedures require the parent to be advised and given the opportunity to attend the interview. If the parent declines, an independent person (such as the principal) should be in attendance at all times while the interview is conducted. Also see response to question 16.

3 Can a parent contact the police if he/she suspects illicit drug use at a school?

Parents can contact police if they suspect illicit drug use at a school and should be encouraged to involve police if they reasonably suspect, or are informed of, drug use at a school. They should also be encouraged at the same time to advise the principal of such suspicion and of their contact with the police.

Information disclosure

4 A student discloses to a teacher that he/she recently used an illicit drug. Does the teacher have to notify the parents, police, welfare coordinator or any other person?

There is no breach of criminal law if a school fails to notify parents that their son/daughter has divulged such information. Teachers have a positive duty of care to prevent injury and they must therefore advise the principal of knowledge they have been given by the student concerning his/her use of drugs. The duty will arise irrespective of the type of drug and whether it was used in or outside school grounds. Refer to [4.6.1.2 of the Schools Reference Guide](#). The duty to mandatory report also applies if the teacher forms the belief on reasonable grounds that the student has suffered physical or sexual abuse, or neglect and/or emotional abuse associated with the information disclosed. Refer to [4.6.2 of the Schools Reference Guide](#) and the *Children, Youth and Families Act 2005*.

Depending on the seriousness of the incident, an appropriate response could involve contacting the parents or liaising with the police, or both. Refer to response to question 1 for protocols agreed to between the Department and the police.

5 A student discloses to a teacher that someone in his or her family uses an illicit drug. Does the teacher have to notify anyone?

A crime is not committed if a teacher fails to notify anyone of the information he/she has received regarding the illicit drug use. Note, however, that it is an offence against section 326 of the *Crimes Act 1958* if a person accepts a benefit for not disclosing information about a serious crime which carries a penalty of 5 years or more (for example administering a drug to obtain sex contrary to section 53 of the Act).

The teacher must inform the principal about the matter, however, irrespective of the breach of confidence. The principal's response must then be measured, having regard to specific knowledge of the student and his/her family, and section 13 of the *Charter of Human Rights and Responsibilities 2007* which requires that disclosure of private information must be both lawful and reasonable. Teachers should therefore avoid agreeing to keep any such information "confidential" as any such agreement could engage the rights under the Charter which need to be weighed against the schools duties under the civil and criminal law – see next section. The teacher and principal must maintain accurate documentation of the incident.

All teachers must comply with mandatory reporting requirements if the student is in any way at risk of neglect, physical or sexual abuse.

6 If a student tells a teacher something ‘in confidence’, should the teacher pass on the information to others?

Under civil law, the overriding duty on the teacher is to act positively to take reasonable care to avoid harm to students in his/her care from risks of injury that can be reasonably foreseen. If the information given to a teacher concerns the use of drugs, the teacher must pass that information on to the principal. The principal’s action will be influenced by the seriousness of the situation, which could involve notifying parents and police, arranging counselling or other appropriate action.

Under criminal law, if the student is at risk of suspected abuse or neglect, the teacher is obliged to comply with mandatory reporting requirements. The obligation of a teacher to pass on information to others arises under the *Children, Youth and Families Act 2005* and relates generally to sexual abuse or physical injury that results from abuse or neglect. Other matters include emotional abuse or neglect where physical injury has not occurred. Neglect may also relate to situations where drug abuse in a home environment poses a threat of injury or harm to a student. Refer to [4.6.2 of the Schools Reference Guide](#).

As section 13 of the *Charter of Human Rights and Responsibilities 2007* requires that the disclosure of private information must be both lawful and reasonable, teachers should avoid agreeing to keep any such information "confidential". If teachers agree to keep it confidential, then their overriding duty under the above civil and criminal law will provide a lawful and reasonable basis on which to disclose the information.

7 If a student tells a student welfare coordinator something ‘in confidence’ related to illicit drug use, should the student welfare coordinator pass on the information to others?

There is no privilege attached to information divulged to a student welfare coordinator as in the case of a doctor or lawyer who acts in a professional capacity on behalf of his patient or client.

A student welfare coordinator must, in the normal course of events, disclose information concerning the use, possession or distribution of drugs to the principal, just as teachers are obliged to. The principal must then contact police regarding any offence involving the use, possession or distribution of drugs at the school.

If a student welfare coordinator is given information covered by mandatory reporting requirements, he/she is obliged to adhere to appropriate legislation relating to criminal activity. A teacher must make a report to the Department of Human Services, Child Protection and discuss his/her concerns with the principal, appropriate school-based personnel and/or the police where appropriate. Refer to [4.6.2 of the Schools Reference Guide](#).

If information is given to a student welfare coordinator who is a registered psychologist providing counselling or treatment to the student, he/she must comply with the *Code of Behaviour for Psychologists* published by the Psychologists Registration Board of Victoria.

The Code of Behaviour states, under Privacy and Confidentiality:

- (i) Psychologists must take reasonable precautions to respect the confidentiality of clients within the requirements of the law, institutional rules and professional relationships.
- (ii) Psychologists must ensure appropriate confidentiality in creating, storing, transferring and disposing of all records under their control.
- (iii) Psychologists must not divulge information about a client unless:
 - (a) the client specifically authorises in writing the release of that information; or
 - (b) the release of that information is to protect the client or others from harm; or
 - (c) the release of that information is required by law.

Refer to Division 2A Confidential Communications, *Evidence Act 1958*.

8 Can information that a student discloses to a student welfare coordinator/teacher be used as evidence in court?

No privilege applies to disclosures made by students to student welfare coordinators or teachers that would prevent a student welfare coordinator or teacher being compelled to give evidence if subpoenaed to do so. There may be a question of the relevance of that evidence to proceedings, but otherwise, in criminal and civil proceedings as well as in a coronial inquiry, the evidence is admissible. If the student welfare coordinator is a psychologist, see part (iii)c of the *Code of Behaviour for Psychologists* in the answer to question 7.

In relation to mandatory reporting, the *Children, Youth and Families Act 2005* specifies that some information must be kept confidential unless the person making the notification gives written permission for it to be disclosed, or the court makes a specific order or direction that the identity of the person who provided the report or their evidence should be disclosed. This relates to the name of the person making the notification pursuant to mandatory reporting requirements, evidence that identifies the person who made the notification, and evidence of particular matters contained in the notification.

Communicating with parents

9 How can parents receive information about the drug education program at the school?

Drug education is a shared responsibility involving the home, school and local community. It is important that schools maintain an open dialogue with parents (for example, through the school council agenda, newsletters and parent evenings) regarding the school's drug education program.

The content of the drug education curriculum must be appropriate. The content should be sound, and include education about drugs from a health and harm-minimisation perspective. This education should be part of an ongoing program that is developmentally appropriate and complies with relevant policies and guidelines of the Department.

10 Are there any instances where the failure of a teacher to notify a parent about the use of an illicit drug by his/her child is justified?

A teacher or principal does not breach criminal law by failing to notify a parent about the use of an illicit drug by his/her child.

However, as described in the response to question 1, it is clearly appropriate for a teacher to advise the principal about a student's use of illicit drugs. The principal would normally consider informing the parents of the situation, advising them of support that is available at the school. The principal must notify the police contact person.

11 An incident involving drugs occurs at the school, or the school has been advised by the police of criminal charges associated with a student's drug use. Does the principal have to notify all parents and students of the school?

It is not a breach of criminal law if the principal does not notify all parents and students about an incident involving drugs at the school.

The principal's duty of care is to ensure that the school environment is, as far as is practicable, safe and free from risks. The seriousness of the situation will influence whether the principal is obliged to notify all parents and students of the school. The principal would need to consider factors such as:

- the type of drugs being used and/or distributed
- the number of students involved
- risks to the student/s and others at the school
- whether it was the first incident of its kind
- the age of the student/s
- the involvement of external parties
- the response of the school
- the involvement of police.

In some instances, the principal may not consider it necessary to notify all parents and students of one isolated incident involving drug use. The principal may consider notifying only the parents of student/s associated with the drug use/distribution. This should be done in a positive manner that reinforces the school's commitment to providing a safe and risk-free environment for all its students.

The principal should involve the school council in instances where the drug-related issue could have a significant impact on the whole school community.

The principal should also have regard to section 13 of the *Charter of Human Rights and Responsibilities 2007* which requires that the disclosure of private information must be both lawful and reasonable.

Searches

12 Does a teacher have a right to search a student's locker and personal property?

As a school locker is the property of the school it can be searched if a teacher has reasonable grounds for believing that it contains unsanctioned or illicit drugs. The search can take place without notice. Parents and the school community should be advised of the teacher's right in this regard through school newsletters.

A school desk is also the property of the school, and can be searched if required. A student's bag, however, is considered his/her personal property. If there is a serious concern about what is contained in a student's bag, the teacher can ask the student to empty his/her bag for inspection.

A serious concern is something that the teacher considers constitutes a serious and imminent threat to any student, teacher, staff or parent at the school - for example, the presence of a gun, knife, hypodermic needle, threat of AIDS-contaminated blood, flammable material such as petrol or articles used for sniffing such as glue or paint tins. What is serious will also depend on the circumstances, including teacher's knowledge about the particular student and his/her propensities and any previous threats of self-harm or harm to others.

If there is reasonable suspicion that a student has an illicit drug in his/her bag that he/she is not willing to disclose, and there is no imminent danger that it will be used, the principal should contact the police, and the student should be kept under supervision away from others until police arrive and conduct a bag search.

If there is reasonable suspicion of imminent danger to a student using an illicit drug that he/she is concealing, the teacher in consultation with the principal should conduct an immediate search to prevent injury to the student before police are called. The principal should immediately notify the parents of the action taken. Refer to [6.16.5 of the Schools Reference Guide](#).

Seizure of property

13 Can a school confiscate illicit drugs or drug-related paraphernalia, and what should be done with the confiscated goods?

Teachers can instruct students to hand over items in their possession, such as cigarettes, illegal drugs or weapons.

Where the student refuses to do so, teachers should implement the relevant provision(s) contained in the Student Engagement Policy Guidelines.

In all cases where items are confiscated, the security of those items rests with the teacher responsible. As soon as is practicable, confiscated items should be given to the parents (for example, cigarettes and alcohol), to the police (for example, weapons and illegal drugs), or returned to the student (for example, jewellery and mobile phones) at the end of the school day. Refer to [6.16.5 of the Schools Reference Guide](#).

Drug use in school

14 Does liability arise if an injury occurs where drugs are supplied to a student in an area where a teacher should have been supervising, for example, in the schoolyard during recess?

There may be potential liability for injury arising from the use of drugs obtained by a student following an overt drug supply that could have been detected with a reasonable degree of supervision.

The onus is upon the school to ensure that there is adequate supervision at all times during recess. This is primarily to ensure that order and safety is maintained in the schoolyard during recess and injuries to students are prevented.

Teachers have a duty of care to inform the principal of anything they know of or suspect could pose a safety risk, cause harm or injury to the student/s.

Supply of a drug may be so overt that a reasonable degree of supervision should have detected the transaction. Other situations involving supply of a drug may be so covert that reasonable supervision may not detect them. A breach of the duty of care would arise in instances where a reasonable degree of supervision would have detected the transaction, even if there is no injury involved. Refer to [4.6.1.2 of the Schools Reference Guide](#).

Drug supply in school vicinity

15 What should schools do about people in adjacent streets/houses who may be involved in illicit drug use?

The principal should contact the police to advise them of such suspicion, providing them with reasons and details of the circumstances.

Police interviews

16 Can police interview a student suspect on the school premises?

Police can interview a student suspect at school. Normal procedures require the parent to be advised and given the opportunity to attend the interview. If the parent declines, an independent person (such as the principal) should be in attendance at all times while the interview is conducted.

The role of the independent person is to ensure that there is an accurate recording of the interview, and that the student fully appreciates that he/she is not obliged to make a statement.

If the situation is serious, the student may be advised to seek legal advice before making a statement to police. Refer to [4.6.12.1 and 4.6.15 of the Schools Reference Guide](#).

Trespass

17 Are there laws in relation to trespass on school grounds?

A person who enters school premises after being previously warned by the principal not to enter, or in breach of a prominently displayed sign, will be found guilty of trespassing. Refer to 6.16.11.1 of the Schools Reference Guide.

Court orders

18 Do schools have access to court orders?

Schools can obtain copies of relevant court orders that are public documents; for example, an order restricting stalking of a teacher by a parent. Up-to-date court orders should be kept on appropriate files at the school.

In family law-related matters, parents should provide the school with copies of the most recent court orders as soon as those are varied, so as to enable the school to give effect to the orders.

Surveillance

19 Are there laws about surveillance on school grounds?

The *Surveillance Devices Act 2004* prohibits the following surveillance:

Listening device, which means any device capable of being used to overhear, record, monitor or listen to a conversation or words spoken to or by any person in conversation, but does not include a hearing aid or similar device used by a person with impaired hearing to overcome the impairment and permit that person to hear sounds ordinarily audible to the human ear.

Optical surveillance device, which means any device capable of being used to record visually or observe an activity, but does not include spectacles, contact lenses or a similar device used by a person with impaired sight to overcome that impairment.

Penalties apply for a breach of the Act.

School functions

20 Can a school permit alcohol at a school function either on or off school premises?

The school council decides whether or not the consumption of alcohol is permitted at a school function. If the school council decides no alcohol is to be consumed, then parents and students should be informed about this in writing when organising and advertising the event. Refer to [4.6.8 of the Schools Reference Guide](#).

21 What advice can be given to teachers regarding supervision of students at after-hours social functions, such as end-of-year celebrations and debutante balls that occur outside of normal school hours?

The school should provide the following information in writing to parents and students prior to the function:

- starting and finishing times
- details of the venue
- transport arrangements
- drop-off and pick-up points
- that the collection of students after the function is the responsibility of parents
- whether there will be passouts
- arrangements for students wishing to leave the function early.

There must be appropriate supervision before, during and after the school function. For example, there must be supervision at the drop-off area prior to the function and at the pick-up location after the function. Particular consideration should be given to the time the event concludes.

It is prudent to have more than one teacher present during a period when supervision is required.

22 At a school function that has no passouts, what should a teacher do when students decide to leave early?

If the teacher coordinating the function is informed that a student wishes to leave early, he/she must consider the individual student's request - for example, the student's age; if the student has an independent means of transport or other transport home, or whether a parent will collect the student directly from the function. If a student who is less than 18 years of age seeks to leave the function early, he/she should be encouraged not to, unless there are pre-existing, written arrangements with the parent.

23 Is there a duty to supervise students at a school function held off the school premises?

The obligation to supervise students will normally apply at school functions held outside normal school hours or off the school premises, during the period where the student is not under the supervision of his/her parents. That duty will apply if there is an increased likelihood that drugs may be involved.

24 What should a teacher do if he/she hears a rumour that there will be a ‘booze-up’ after the school function?

The teacher should advise the school principal of such knowledge. If the principal is aware of the information up to one day before the school function, he/she should initially speak with the student/s concerned including those who may have knowledge of the proposed event. Failing a satisfactory response from the students, and provided there is sufficient time, the principal should attempt to contact the parents of the student/s.

Medications

25 Who is responsible for storage and administration of student medications at the school?

See detailed recommendations contained in [4.5.7.2.3 of the Schools Reference Guide](#).

26 Is there any liability on the school if medication is not administered at the prescribed times?

While it is unlikely there would be any criminal sanctions, liability for damages may arise from the failure of a school to administer the medication as agreed. Responsibility for administering medication must be taken seriously by the teacher as there could be legal consequences and medical issues that flow from a teacher’s failure to administer medication on time.

27 What responsibility is there if a teacher who is certified to conduct first aid does so incorrectly and causes injury to a student?

Except in the most ‘exceptional circumstances’ the State will provide legal representation and pay costs or damages for a teacher employed by the State of Victoria if that teacher is sued by a student seeking compensation for personal injuries. Refer to [6.16.2.1 of the Schools Reference Guide](#).

Therefore, as long as there are no exceptional circumstances, a teacher trained in first aid who administers such aid will be well protected as a servant of the Crown against a claim of negligence brought by a student.

It must be remembered that the purpose of administering first aid is to stabilise the injury a student may have suffered and to prevent further injury prior to medical assistance arriving. First aid does not include diagnosis or treatment of injuries.

Drug testing in schools

28 What is the Department’s position on drug testing in schools?

The Department does not support any form of drug testing in schools for students or teachers. Drug testing is controversial and raises a number of legal, technical, ethical and financial issues. It may also reduce trust between the schools and its students.

When drug use is identified, schools respond in a variety of ways, which could include participation in education programs, counselling, case management, and notification of parents and the police, where appropriate. Refer to [4.6.6.2 of the Schools Reference Guide](#).

