



# Student Medical Expenses

## **Purpose of this policy**

To clarify responsibility for student medical expenses.

## **Policy**

The cost of any medical attention or ambulance for a student will be borne by the parent/guardian.

Parents are liable for all medical expenses incurred as a result of student injury, including transport costs such as ambulance or air ambulance costs. This applies unless the injury occurs as a result of a negligent act or omission on the part of the Department, its employees, servants or agents, in which case the Department will consider whether it is liable to reimburse the parents for expenses reasonably incurred.

Principals must:

- use their judgment as to what action to take in cases of a student's accident or sudden illness
- contact the parent/guardian immediately if any doubt exists as to what action should be taken
- call an ambulance whenever there is a medical emergency
- refer any claim for damages or reimbursement received by staff or the school to [legal.services@edumail.vic.gov.au](mailto:legal.services@edumail.vic.gov.au) or mail to:
  - Legal Division, Department of Education and Early Childhood Development, Ground Level, East Wing, 2 Treasury Place, East Melbourne, 3002.

## **Emergency medical situations**

If a student is ill or injured, it is preferable to contact the parents in order that they can seek whatever medical attention they feel is appropriate.

However, in an emergency a principal may:

- call an ambulance or
- call for any necessary medical attention on behalf of the student's parents.

The legal authority to do this arises from the principle of "agency of necessity". This means that the law recognises that the authority to act on another's behalf is implied in case of emergency.

An ambulance should always be called in a medical emergency.

## **Disputed expenses**

If a principal, acting in good faith, calls for medical assistance without first consulting the parents and a dispute then arises as to liability for the cost of the medical care, the Department will relieve the principal of all financial responsibility.

Under no circumstances is there to be any admission, offer, promise or payment made in connection with such a claim by school staff.

If a principal receives a request for reimbursement of ambulance expenses, they should forward the request to Legal Division. The Principal will then be contacted by a representative of the Department for more information about the circumstances surrounding the request.

## **Parent Communication – Ambulance Cover/Costs**

Schools should strongly encourage parents to have up-to-date ambulance cover and should also inform parents that they are responsible for any medical expenses such as ambulance costs incurred if their child is injured or requires an ambulance at school, or whilst participating in a school activity.

It is advisable for schools to reiterate this each year via the school newsletter or some other such method of communication.