



Department of
Education & Training

Office of the Secretary



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Ms Emma Lindsey
Coroners Registrar
Coroners Court of Victoria
65 Kavanagh Street
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Dear Registrar

Investigation into the death of Bailey Patman – Court ref: COR 2012 000230

Thank you for your letter regarding the investigation into the death of Bailey Patman that encloses Coroner English's finding and recommendation under the *Coroners Act 2008* (Vic).

Coroner English has adopted one of the recommendations in the Life Saving Victoria 2013 Report titled *Sink or Swim: The state of Victorian primary school children's swimming ability*, namely that swimming and water safety education should be a compulsory skill taught to all Victorian primary school children as part of the school curriculum.

The Department of Education and Training supports the recommendation that swimming instruction and water safety education be part of the curriculum in all Victorian primary schools. The Department notes that the AusVELS curriculum is required to be implemented by all Victorian government and Catholic schools. This includes learning around swimming skills for students from Foundation (Prep) to Year 8. With that said, while swimming instruction currently forms part of the AusVELS curriculum, neither the Department nor the Victorian Curriculum and Assessment Authority currently mandate *how* schools implement the AusVELS curriculum.

The AusVELS curriculum is a statement of the purpose of schooling. It defines what students in Victorian government and Catholic schools have the opportunity to learn as a result of their schooling, set out as a series of learning progressions. While swimming skills are currently within the AusVELS Health and Physical Education curriculum, schools make local decisions about how they will implement this curriculum having regard to their school environment and the needs of its student cohort.

Some schools may not, and do not, include particular swimming instruction with a qualified instructor in their implementation of the Health and Physical Education curriculum. Such schools may face barriers to effective implementation of swimming instruction, including, as noted in the *Sink or Swim* report:

- Program costs
- Lack of qualified swimming instructors
- Cultural barriers
- Social economic barriers
- Students with disabilities and special needs
- Difficulties in accessing swimming facilities

At the present time, the Department does not collect data about the implementation of swimming instruction in Victorian government schools.

Having reviewed Coroner English's recommendation, the Department will commit to taking a range of actions to promote and encourage swimming instruction and water safety education in Victorian government schools.

BACKGROUND INFORMATION

Legislative Framework

The *Education and Training Reform Act 2006* (Vic) (the Act) sets out the registration requirements for Victorian schools. The *Education and Training Reform Regulations 2007* (Vic) prescribe the minimum standards which must be complied with for registration as a school. One of the requirements is that schools must have a curriculum framework:

- For the organisation and implementation of the school's curriculum and teaching practices; and
- To ensure that, taken as a whole, the learning areas set out in the Act are substantially addressed; and
- To provide for the review of the curriculum and teaching practices.

Under the Act, the following eight key learning areas are to be provided in all registered schools in Victoria:

- English
- Mathematics
- Sciences (including physics, chemistry and biology)
- Humanities and social sciences (including history, geography, economics, business, civics and citizenship)
- The arts
- Languages

- Health and physical education
- Information and communication technology and design and technology

Schools are required to demonstrate how they will *substantially* address each learning area. The current regulatory framework makes it the responsibility of individual schools to determine how they will substantially address a learning area; having regard to the needs of students, other curriculum priorities and the availability of suitably qualified staff.

To mandate the delivery of swimming instruction would require legislative or regulatory amendment. For example, amendments could be made to:

- Add swimming instruction and water safety education as a condition of registration for all schools in Victoria;
- Implement a new and compulsory learning area specific to swimming instruction and water safety; or
- Implement a compulsory component or skill within the existing key learning area of health and physical education.

Whilst it has been decided not to do this in response to the recommendation, the Department will commit to taking a range of other actions to promote swimming instruction and water safety education in Victorian government schools.

Victorian Registration and Qualifications Authority

The Victorian Registration and Qualifications Authority (VRQA) is a statutory body whose functions include registering schools and ensuring that the minimum standards for Victorian schools are met.

Victorian Curriculum and Assessment Authority

The Victorian Curriculum and Assessment Authority (VCAA) is a statutory body responsible to the Victorian Minister for Education, servicing both government and non-government schools. VCAA is responsible for developing and implementing the Victorian Essential Learning Standards (AusVELS).

AusVELS is the curriculum for Foundation (Prep) to Year 10 and describes the knowledge, understandings and skills that students are expected to learn. It also provides achievement standards that describe what students are typically able to understand and do as they progress from Foundation to Year 10.

As a long-standing matter of policy, *what* students should learn is set out in the AusVELS curriculum. *How* students are taught and the teaching, learning programs and resources that are used to teach the curriculum are a matter for local decision-making. This is consistent with the Department's policy that schools are best placed to make decisions about the learning resources that will support the teaching of the common and mandated curriculum.

Current position with respect to swimming instruction

The Health and Physical Education Domain of the AusVELS curriculum refers to swimming and water safety in all levels from Foundation to Year 8. At each year level, the curriculum sets a Standard and provides Learning Focus statements. The Health and Physical Education Domain can be viewed online at: <http://ausvels.vcaa.vic.edu.au/Health-and-Physical-Education/Curriculum>

For example, in Year 6 the Standard requires students to 'perform confidently and efficiently' in aquatic environments.

The Learning Focus provides that students consolidate their mobility and safety skills in aquatic environments and develop confidence and responsibility in the water by:

- Swimming competently for a continuous distance of 50 metres (25 metres in freestyle and 25 metres in another stroke);
- Demonstrating sound breathing and stroke techniques;
- Throwing a rope or buoyant object to a person at least five metres from the side of the pool and pulling or instructing them to safety; and
- Performing survival techniques of sculling, treading water, floating and survival strokes for an extended time (four to six minutes), while clothed, in a pool and/or in open water.

Although government and Catholic schools are required to implement the AusVELS curriculum, the capacity of schools to effectively deliver swimming instruction is impacted by a range of considerations, such as access to safe swimming environments and qualified teachers or instructors.

Water safety teaching and learning resources

The Department administers FUSE – a teaching and learning portal that links schools to websites and online resources. This portal includes links to various online resources that support the provision of classroom based water safety education programs. These include the following:

- Royal Life Saving Society's *Water Smart* campaign:
<http://www.royallifesaving.com.au/schools/in-the-classroom/watersmart>
- Aquatics and Recreation Victoria's *AquaEd Kits* for primary school aged children:
http://www.aquaticsandrecreation.org.au/ARV_AquaEd_Kit_Level_2/?alias=ARV_AquaEd_Kit_Level_2#/1/zoomed
- Life Saving Victoria's educational resources including *Sink or Swim* and *Water Smart*:
<http://www.lifesavingvictoria.com.au/www/html/1692-education-program-overview.asp?intSiteID=1>

Water safety communication and awareness

The Department's website provides Summer Water Safety guidance for parents. This guidance can be found at the following link:

<http://www.education.vic.gov.au/school/parents/primary/Pages/p4p071112.aspx>

In addition, the Department sends weekly updates to Victorian government schools on various issues including, on occasion, water safety. For example, on 16 December 2014, the Department's Schools Update (B042-2014) included an article for schools to share in their newsletters in relation to families staying safe and healthy over the holidays. In addition to other information, it provided tips for families to stay safe on our waterways (**Enclosure 1**).

DEPARTMENT'S POSITION WITH RESPECT TO THE CORONER'S RECOMMENDATION

The Department will commit to taking the following actions to support the delivery of effective swimming instruction and water safety education in Victorian schools:

- In relation to swimming instruction, the Department will:
 - Promote and encourage schools to provide swimming instruction that aligns with the National Swimming and Water Safety Framework.
 - Promote and encourage schools to deliver the Victorian Water Safety Certificate. The Water Safety Certificate is a State Government initiative that provides a swimming and water safety skill foundation for children.
 - Consider the outcomes and future opportunities arising from the trial "Learn to Swim" program implemented by Life Saving Victoria in culturally diverse primary schools in Semester 1 of 2015. This trial facilitated students in years 5 and 6 participating in ten 'learn to swim' sessions.
 - Investigate ways to overcome the various barriers to the provision of swimming instruction in Victorian primary schools.

- In relation to water safety education, the Department will:
 - Promote and encourage schools to deliver existing classroom based water safety education.
 - Promote existing water safety campaigns and initiatives such as *Play it Safe by the Water* and *Water Safety Week* by way of annual promotion in School Bulletins to principals, school council presidents and Department staff.

- Inform the Catholic Education Commission of Victoria, Independent Schools Victoria and other school system owners, of the Coroner's recommendation and the Department's response.

If there are any questions in relation to the Department's response, please contact Ms Kate Rattigan, Executive Director, Legal Division on (03) 9637 3146.

Yours sincerely



Gill Callister
Secretary

1 /09/2015

Encl.