



Duty of Care Policy

Rationale

A safe environment plays an important role in assisting students to reach their potential and enhance their wellbeing. The teacher-student relationship is regarded legally as a relationship in which principals and teachers have a duty of care to:

- provide suitable and safe premises
- ensure that procedures for child safety are implemented at all times
- provide adequate supervision in all aspects of schooling
- implement strategies to prevent bullying (including cyberbullying) and harassment
- ensure that medical assistance or care is provided to a sick or injured student
- ensure the safety and wellbeing of students in an emergency or critical incident

Definition

Duty of care relates to the responsibility that principals and teachers have in relation to their students to take steps that are reasonable in the circumstances to protect students from risks of injury that should reasonably have been foreseen. It is a duty to take reasonable steps to prevent injury, which is known or foreseeable. The question of what are reasonable steps will depend on the individual circumstances of the case, and consideration of the following factors:

- The probability that the harm would occur if care were not taken
- The likely seriousness of the harm
- The burden of taking precautions to avoid the risk of harm
- The social utility of the activity that creates the risk of harm
- The duty may, in some circumstances, extend outside school hours and outside the school premises. This will depend on whether the relationship between staff and student extends to the individual circumstances, whether the risk was known or foreseeable, and whether there were any reasonable steps that could be taken to prevent the injury from occurring. The duty is non-delegable, meaning that it cannot be assigned to another party.

(Refer to the *Catholic School Operational Guide* [CEVN])

School environment means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- (a) a campus of the school;
- (b) online school environments (including email and intranet systems); and
- (c) other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

(Ministerial Order 870)

Policy Statement

The school provides effective student supervision and care to ensure that students are in safe environment at all times.

Principles

- Learning within a safe environment plays an important role in student outcomes and sense of wellbeing.
- Principal and teachers must take reasonable steps to ensure the safety of student and others within the school environment.
- Clear procedures and processes that are consistently applied are important in ensuring high standards of duty of care at all times.

- The school will comply with all diocesan and legislation requirements for child safety outlined in the Child Safe standards (Ministerial Order 870) including reasonable precautions to prevent the abuse of a child by an individual associated with the school while the student is under the care, supervision or authority of the school.
- Effective strategies that ensure the safety and care of all students are implemented. This includes appropriate measures for younger students, students with disabilities or students at risk.
- All staff have a responsibility to take reasonable steps to prevent potential injury to students and others.
- Strategies are implemented, as required, for specific students such as students with disabilities and age levels to ensure that the environment is safe for all students.
- The school is required to develop and implement supporting procedures to protect students from risks of injury and to ensure that the school environment is safe at all times.

Communication

The principal has the responsibility for ensuring that all staff (new & existing) are inducted on school policies and their implementation. At the beginning of each school year (and on commencement) staff will be inducted on school policies and procedures. Staff will be informed of any changes throughout the year to requirements, at staff meetings and through the staff bulletins. Staff will also use student incident data to assist in providing effective duty of care. This will also include related policy and procedures such as emergency management and critical incidents.

Yard Duty

The principal is responsible for ensuring that all students are adequately supervised before, during and after school, including recess times. This will involve designating areas in the yard, and developing a roster for staff to supervise students in the designated area for the time indicated on the roster.

All teachers are required to do yard duty according to a designated roster for before and after school and at recess times.

Teachers will remind students of yard expectations and procedures, processes for first aid and inclement or hot weather at the beginning of the year and as required.

Teachers must always be proactive in monitoring student safety and report any concerns to the principal or the occupational health and safety officer.

Parents will be informed of times when playground supervision will be provided and that no formal supervision of the playground occurs outside those hours. Parents will also be informed of drop off and pick up arrangements and any applicable bus arrangements that may be required. This will be communicated to parents at the beginning of the year, reminders in school newsletter at regular intervals and through the Parent Portal will be provided.

Classroom Supervision

The classroom teacher has ultimate responsibility for the supervision of all students in their care. The classroom at all times must be a safe learning environment. This duty cannot be delegated to learning support officers, external education providers, parents, volunteers or students undertaking Initial Teacher Education (ITAs). In addition, no student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal from the classroom is only to occur in accordance with the school's Behaviour Management Policy.

In order to provide a safe learning environment classroom teachers:

- must be organised and implement learning experiences that addresses all students' needs
- interact regularly and positively with students in the classroom
- ensure a consistent communication and response to expectations and student responsibilities
- Inform and regularly remind students of acceptable internet and social media use (See Digital Technology Policy)
- be vigilant and respond appropriately to any incidents of bullying and harassment
- are proactive in reporting any defects in the maintenance register or safety concerns to the occupational health and safety officer and take immediate steps to ensure the issue does not pose a risk to students and others
- be consistent in their implementation of the Behaviour Management Policy
- implement the processes for Child Safety Standards and Mandatory Reporting Policy
- attend to student injuries/illness according to the Student Care and Health Policy

Visitors in School (Volunteers, Incursions, External Providers, Parents and families)

Visitors who are attending the school to deliver incursions, presentations, seminars or other activities and programs to students will be fully supervised by school staff at all times.

The Working with Children Act 2005 requires that some people who work or volunteer in child related, child connected and direct works, apply for, pass and present a Working with Children Check (WWCC). Where necessary, the school will assess and verify the suitability of visitors who will work with children. However, if a visitor's occupation exempts them from the requirement to have a WWCC check e.g. police officers, they must provide evidence to the school to support their claim to an exemption.

The school welcomes volunteers to assist school activities such as assisting in the classroom, fundraisers, maintenance, excursions, camps and canteen. The school implements the *CECV Guidelines on the engagement of volunteers in Catholic schools* available at [CECV Guidelines on the engagement of Volunteers in Catholic Schools](#).

External providers are contracted by the school to provide a service. This can include learning and teaching services, another school, health professionals, information technology technicians or trades peoples such as electricians or plumbers. The school follows the CECV Guidelines on Engagement of External Contractors in Catholic Schools to ensure the school meets its duty of care in providing a safe environment for students including procedures for Child Safety Standards. The guidelines are available at [CECV Guidelines on the engagement of External Contractors](#)

Parents collecting child/ren during school hours for external appointments are to present themselves to the main office and sign in/sign out. If the child/ren is in the yard for recess or lunch break the parent/ guardian is to remain in the foyer area until the student arrives.

Offsite Activities

An offsite activity includes any excursion, camp, interstate or off-site activity such as attendance at a sporting fixture. It does not include work experience programs.

Offsite activity staff are teachers, Learning Support Officers, volunteers (who have been approved as a school volunteer), campsite staff and specialist instructors who will supervise the students. The principal must ensure that students participating in offsite activities are appropriately supervised and that effective planning for the activities and location facilities meets student-learning needs within a safe environment.

The offsite activity leader must complete the Offsite Activity Checklist (offsite activities are managed through SIMON) and carry a copy of the Emergency Management Plan with them at all times during the offsite activity. It also provides links to other requirements such as for, swimming, water sports, staffing ratios, first aid and risk assessment.

The offsite activity leader must ensure that the offsite activity staff are inducted on the procedures and expectations that are outlined in the Checklist and that the activity has been entered into SIMON and are entered on the Catholic Schools Student Activity Locator (SAL) which is available on CEVN/emergency management.

Related Policy and Documents

- First Aid and Medication Policy
- Pastoral Care & Wellbeing Policy
- Student Care & Health Policy
- Code of Conduct
- Anaphylaxis Management Policy
- Asthma Management Policy
- Behaviour Management Policy
- Digital Technology Policy
- SunSmart Policy
- Critical Incident Plan
- Emergency Management Plan
- [DET Safety Guidelines for Education Outdoors](#)
- CECV Child Safety Commitment Statement
- Catholic Education Ballarat Guidelines for Behaviour Support (2017)
- CECV Positive Behaviour Guidelines