

Duty of Care Policy

Purpose: The purpose of this policy is to outline the non-delegable duty of care obligations Learning Co-operative owes to our students.

Scope: Board, Staff, Volunteers

Implemented by: School Coordinator (Principal)

Approved by: Parent Group, Board

Communicated via: Website, Policy Folder, Staff Induction

Reviewed: Every two years, after an incident, as regulatory changes arise or improvements are identified through internal review.

Overview

“Duty of care” is a legal obligation that requires schools to take reasonable steps to protect students from reasonably foreseeable harm. The duty owed to students is not an absolute duty to ensure that no harm will ever occur, but a duty to take reasonable care to avoid harm being suffered. This requires not only protection from known hazards, but also protection from harm that could foreseeably arise and against which preventative measures can be taken.

The duty of care owed by the School to its students is non-delegable. This means the School retains responsibility for students even when tasks are carried out by staff, volunteers or external providers.

The School also owes a duty of care to staff, volunteers, contractors and visitors. These obligations are addressed through other processes and policies, including the Occupational Health and Safety Policy.

The duty of care is both an organisational and an individual responsibility. That is:

- the School, as a legal entity, has a duty of care to its students, and
- members of the school board, teachers, other staff and volunteers all have an individual duty of care to students.

The School, through its governance and leadership structures, establishes the systems and procedures that support student safety. Staff support the School in meeting this obligation through appropriate supervision, risk awareness and safe professional practice.

Duty of care is implemented through a range of school policies, procedures and practices, including supervision, risk management, behaviour management, child safety and incident responses. The actions taken must be proportionate and specific to the needs of the student/s, with potentially different and greater precautions being taken in consideration of those needs.

Learning Co-operative has zero tolerance for child abuse and is committed to meeting the requirements of Ministerial Order 1359 and the Child Safe Standards.

The School's Duty of Care

The School has a non-delegable duty of care to protect students from reasonably foreseeable harm. This duty is discharged through the Co-ordinator and other staff responsible for implementing supervision, health, child safety and other risk management arrangements.

The School's duty of care applies when students are engaged in school activities, school programs, excursions, camps and other activities organised by or supervised by the School.

The School acknowledges that, as our duty of care is non-delegable, we are also required to take reasonable steps to ensure that activities involving external providers are appropriately planned, supervised and conducted safely.

Within a school, the duty of care to an individual student is shared amongst individuals with potentially each having a different part to play.

VIT registered teachers' duty of care

VIT registered teachers have a professional duty of care to take reasonable steps to protect students from foreseeable harm and to actively supervise students under their care. The standard of care expected of a teacher is higher than that expected of other staff members, reflecting their professional training and responsibilities.

A teacher owes a student a positive duty of care when a teacher–student relationship exists, and this positive duty of care requires the teacher to take reasonable proactive action and to mitigate or reduce the risk of harm to students. A teacher's duty of care is not confined to the physical location of the school or to activities outside the school where a student is acting on a teacher's instructions. The duty also applies to situations both before and after school where a teacher can be deemed to have 'assumed' the teacher/pupil relationship.

As part of that duty, VIT registered teachers are required to supervise students adequately. This requires not only protection from known hazards, but also protection from those that could arise and against which preventive measures could be taken.

Others' duty of care

Other adults in the school—including staff, visitors and volunteers—have a general duty of care to take reasonable care to protect students from reasonably foreseeable harm. It is expected that adults will prioritise student safety when undertaking duties, work, or activities within the school environment.

Implementation of duty of care

To fulfil its duty of care obligations, Learning Co-Operative takes reasonable steps to protect students from reasonably foreseeable harm. This is achieved through a framework of systems and practices addressing governance and leadership, prevention and risk management, supervision, and staff training and awareness. Staff support the School in meeting its duty of care by following the policies, procedures and practices described within this framework.

The School regularly reviews these systems and practices to ensure they remain effective and responsive to the needs of students.

Further detail regarding this framework and its implementation is outlined in Appendix A.

Related Documentation

- Appendix A – Implementation Framework
- Camps and Excursions Risk Management Assessment Form
- Child Safety Code of Conduct
- Visitor & Volunteer Process
- Whole School Training Plan
- Recruitment & Induction Process
- Individual Medical Management Plan
- Student Code of Conduct
- Digital Technologies Code of Conduct

Related Policies

- Working with Children Policy
- Protecting Children Policy
- Student Supervision Policy
- Behaviour Management Policy
- Digital Technologies Policy
- First Aid Policy
- Anaphylaxis Policy
- Medical Care Policy
- Child Safety & Wellbeing Policy
- OH&S Policy
- Emergency Management Plan
- Critical Incident Plan