

Duty of Care Policy - September 2023

(Child Safe Standard 6)



Help for non-English speakers

If you need help to understand the information in this policy please contact the school.

Purpose

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Lalor East Primary School owe to our students and members of the school community who visit and use the school premises.

Policy

“*Duty of care*” is a legal obligation that requires schools to take reasonable steps to reduce the risk of reasonably foreseeable harm, which can include personal injury (physical or psychological) or damage to property. The reasonable steps that our school may decide to take in response to a potential risk or hazard will depend on the circumstances of the risk.

Our school has developed policies and procedures to manage common risks in the school environment, including:

- Yard Duty and Supervision
- Bullying Prevention
- Camps and Excursions
- First Aid
- Child Safety
- External Providers
- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

Our school acknowledges we are required to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation.

Staff at Lalor East Primary School understand that school activities involve different levels of risk and that particular care may need to be taken to support younger students or students with additional needs.

Our school also understands that it is responsible for ensuring that the school premises are kept in good repair and will take reasonable steps to reduce the risk of members of our community suffering injury or damage because of the state of the premises.



School staff, parents, carers and students are encouraged to speak to the principal to raise any concerns about risks or hazards at our school, or our duty of care obligations.

External Providers

Staff at our school acknowledge that, as our duty of care is non-delegable, we are also required to take reasonable steps to reduce the risk of reasonably foreseeable harm when external providers have been engaged to plan for or conduct an activity involving our students. Our *Visitors Policy* and *Camps and Excursions Policy* include information on the safety and care of our students when engaged with external providers.

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) As part of that duty, teachers are required to supervise students adequately. This requires not only protection from known hazards, but also protection from those that could arise (that is, those that the teacher should reasonably have foreseen) and against which preventive measures could be taken.

Communication

This policy will be communicated to our school community in the following ways:

- Available publicly on our school's website
- Included in induction processes for relevant staff
- Included in our staff handbook/manual
- Discussed in an annual staff briefing/meeting
- Made available in hard copy from school administration upon request

Related Policies and Resources

- *Statement of Values and School Philosophy*
- *Volunteers Policy*
- *Child Safety Policy*
- *Camps and Excursion Policy*
- *Child Safety Code of Conduct*

Further Information and resources

- the Department's Policy and Advisory Library (PAL): [Duty of Care](#)
- the Department's Policy and Advisory Library (PAL): [Structured Workplace Learning](#)

Policy Status and Review

This policy supports and demonstrates our commitment to *Child Safety Standard 6: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice*. This policy is a requirement under the Victorian Registration and Qualifications Authority [VRQA] Minimum Standards.

This policy will be reviewed every three years as part of the school policy review cycle, following changes to Departmental legislation and guidelines or at times that the Principal forms the opinion that the policy warrants a review.



Approval

Updated	May 2023
Consultation	School Council, Consultation Committee
Endorsed by	School Council Linda Richards, Principal
Endorsed on	12 September 2023
Next review date	September 2026

