

## DUTY OF CARE POLICY



### Help for non-English speakers

If you need help to understand this policy, please contact the School Office on 9223-1400

## PURPOSE

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Charles La Trobe College 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 Safe Standards
- 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 our 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.

Our school also takes steps to ensure student safety when they are engaging in off-site workplace learning programs with external providers, such as when students are participating in work experience, school-based apprenticeships and traineeships, structured workplace learning and any other workplace learning program involving external providers. Our School will follow all applicable Department of Education and Training policy and guidelines in relation to off-site learning and will ensure that the safety and welfare of the students engaging in these activities is paramount. The Department's guidelines in relation to Workplace Learning are available at the following link:

<https://www2.education.vic.gov.au/pal/structured-workplace-learning/policy>

## **COMMUNICATION**

All staff at CLTC will be informed of their legal requirement via:

- A copy of this document will be placed in School Documents on SharePoint and provided to each CLTC staff member at the first staff meeting at the commencement of the school year and posted on the College intranet (Compass).
- New staff will be informed of their Duty of Care as part of the school's Induction Program.
- Duty of Care will be an agenda item at staff meetings and staff will be directed to familiarise themselves with the DET School Policy and Advisory Guide: Student Safety.
- Staff will complete a risk assessment, including duty of care, when completing planning for excursions and incursions.

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

- Available publicly on school website
- Included in staff induction processes
- Included in our staff handbook/manual
- To our students in the following ways; at SRC and Student Leadership team meetings, Real Ed classes, personal and social learning and PDS classes
- Hard copy available from school administration upon request

## **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 REVIEW AND APPROVAL

Policy last reviewed	13 October 2023
Approved by	Principal
Next scheduled review date	September 2026

## Appendix A

### PROCEDURES – ENACTING THE POLICY

#### CLASSROOM SUPERVISION

- It is NOT appropriate to leave students in the care of ancillary staff, parents or trainee teachers. (At law, the Duty of Care cannot be delegated).
- It is not appropriate to leave students in the care of external education providers, for example incursions (at law, the Duty of Care cannot be delegated).
- In an emergency situation, use the phone to contact a leading teacher, or principal, or contact the teacher in the next room, or send a teacher aide for assistance.
- No student should be left unsupervised outside the classroom as a withdrawal consequence for misbehaviour. Withdrawal is to be conducted within the classroom or educational environment under the direct supervision of the teacher.

#### MOVEMENT OF CHILDREN

- Care needs to be taken in allowing students to leave the room to work in other areas of the school, for example, completing jobs such as collecting or distributing notices.
- Use of students as monitors outside the room during class time must only occur with the approval of a member of the sub-school principal.
- Discretion is to be used when allowing students to visit the toilet or go to the administration area during class time.

#### YARD SUPERVISION

- Yard supervision is an essential element in teachers' duty of care. It is now clearly established that in supervising pupils, teacher's duty of care is one of positive action.
- Be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom.
- Be aware that yard duty supervision within the school requires the teacher to fully comply with DET guidelines and brings with it an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and duty of care responsibilities. Teachers are also expected to follow CLTC policy whilst on yard duty.
- Teachers rostered for duty are to attend the designated area at the time indicated on the roster.
- Teachers on duty are to remain in the designated area until the end of the break period or until replaced by the relieving teacher, whichever is applicable.
- The handing over of duty from one teacher to another must be quite definite and must occur in the area of designated duty. Where a relieving teacher does not arrive for duty, the teacher currently on duty should send a message to the office, but not leave the area until replaced.

- No changes to the yard duty roster are to be made without the approval of the classroom teacher and/or leading teacher.
- Be alert and vigilant - intervene immediately if potentially dangerous behaviour is observed in the yard - enforce CLTC behaviour standards and logical consequences for breaches of safety rules.
- Teachers should always be on the move, alert and highly visible. Do not use yard duty time to have discussions with colleagues.

## EXCURSIONS AND INCURSIONS

Staff must:

- *be aware that children are usually less constrained and more prone to accident and injury than in a more closely supervised classroom*
- *be aware that an incursion with an external provider does not absolve supervision duties of the teacher, including first aid duties. A teacher must be present at all times and remain the person designated with duty of care responsibilities ☐ be aware that excursions outside the school require the teacher to fully comply with DET guidelines and bring with it an increased duty of care. It is a teacher's responsibility to be aware of these guidelines and remain the person designated with duty of care*
- *be aware that excursion and camp activities require the teacher to ensure that the venue and transport adhere to DET guidelines.*
- *be aware that school policy is for students to be counted on and off transport and at other times on a regular basis whilst on an excursion*
- The teacher in charge will have copies of all confidential medical forms and permission notes with contact details. A copy of this material will also be kept at school.
- Arrangements will be made for students not attending to continue their normal program at school under supervision of another classroom teacher.
- The teacher in charge or designated teacher of an excursion or camp will carry a mobile phone and a first aid kit.
- If the return time from an excursion or camp is delayed, the teacher in charge will contact the school to inform the sub-school leader, assistant principal and/or principal of the new arrival time so that parents can be contacted and a senior staff member will remain at school until they arrive.
- If crossing roads, students are to use designated crossing points whenever possible.
- All staff must follow the DET guidelines when organising an excursion or incursion. All procedural steps contained in the School Excursions and Incursions Policy and Procedure outlines must also be followed.