

## Duty of Care Policy

<b>Purpose:</b>	The purpose of this policy is to outline the non-delegable duty of care obligations Corner Inlet College owes to our students and members of the school community who visit and use the school premises.
<b>Scope:</b>	All school staff
<b>Implemented by:</b>	Principal
<b>Approved by:</b>	CIC Board
<b>Reviewed:</b>	Every two years, after an incident, regulatory changes arise or improvements are identified through internal review.
<b>Communicated via:</b>	Corner Inlet College Website, Staff Handbook, Parent Handbook, Policies and Procedures Manual

### Overview

“Duty of care” is a legal obligation that requires schools to take reasonable steps to protect students from reasonably foreseeable harm or injury both in the physical and online environments.

#### Duty of Care owed to Students

Corner Inlet College, its Principal and its staff owe a duty to take care of students whilst they are involved in school activities or are present for the purposes of a school activity whether at the school or at a location outside the school or online. This duty of care **cannot be assigned or delegated** to another party or person.

The duty of care owed to students by Corner Inlet College, includes:

- A duty to take reasonable measures to protect students from reasonably foreseeable risks of harm or injury;
- A duty to take reasonable care that any student (and other persons) on the premises will not be injured or damaged because of the state of the premises, including things done or omitted to be done to the premises;
- A duty to take reasonable precautions to prevent the abuse of students by an individual associated with the school while the child is under the care, supervision or authority of the school;

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- Understanding that different and sometimes greater measures may need to be taken for younger students or students with disabilities in order for the school to discharge this duty of care.

### **Commitment to Child Safety**

Corner Inlet College is committed to providing a child safe environment, where children and young people are safe and are able to actively participate in decisions that affect their lives. As a school, we are committed to providing an environment where students feel safe and empowered in accordance with Ministerial Order No. 1359 – child safe standards.

At Corner Inlet College, we have a zero tolerance for child abuse, bullying and harassment, and are committed to acting in every children's best interests, listen and empower them, as well as keeping them safe from harm or abuse. We regard our child safety responsibilities with the utmost importance and as such, are committed to providing the necessary resources to ensure compliance with the child safe standards.

### **Standard of Care: Teaching staff**

- The standard of care required is that of a 'reasonable' teacher. This means that the duty of care owed is the duty one would expect from a teacher with teaching skills and attributes exercising their professional judgement. It is not a duty to ensure no harm will ever occur, but a duty to provide reasonable care to avoid harm or abuse being suffered.

### **Standard of Care: Non-Teaching Staff, Volunteers & External Providers**

- When non-teaching staff, volunteers and external providers agree to perform tasks that require them personally to care for students, they will also owe a duty to take such measures as are reasonable in all the circumstances to protect students from risks of harm or abuse that reasonably ought to be foreseen.

As part of the school's duty of care obligation, 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.

The teacher-student relationship forms the basis of a teacher's duty of care. The scope of this relationship depends on the circumstances and may extend outside school hours if the school has assumed responsibility for the student (e.g., on camps).

Examples of when a teacher may fail to meet their duty of care include:

- arriving late to class, leaving class early or leaving students unattended in the classroom;
- arriving late to scheduled or timetabled yard duty or supervision;
- failing to act appropriately to protect a student who claims to be bullied;
- believing a child is being abused or harmed, but failing to report the matter appropriately; and
- ignoring dangerous play.

The above examples may also constitute a breach of other legal obligations and could constitute a breach of the school policy and a breach of mandatory reporting obligations.

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The reasonable steps that our school may take in response to a potential risk or hazard will depend on the circumstances of the risk.

This will involve the school considering the following factors:

- the number of students being supervised
- the type of activity being undertaken
- the age, competency and vulnerability of students involved
- the nature and condition of any equipment and facilities being used

The Principal is responsible for making and administering such arrangements for supervision as are necessary according to the circumstances, and VIT registered teachers are responsible for carrying out their assigned supervisory duties in a physical and online space, in such a way that students are, as far as can be reasonably expected, protected from harm or injury.

Staff at our school understand that school activities involve different levels of risk and that particular care and attention may need to be taken to support younger students or students with a disability.

Our school also understands that it is responsible for ensuring that the school premises at 625 Fullers Road are kept in good repair and the Principal will ensure reasonable steps are taken to reduce the risk of members of our community suffering injury or damage because of the state of buildings or grounds, including things done or omitted to be done to the premises, that may cause injury or harm to any individual.

The school acknowledges 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.

Corner Inlet College has zero tolerance for child abuse and is committed to meeting the requirements of Ministerial Order 1359 and the Child Safe Standards.

## Implementation

Principals and VIT teachers are held to a high standard of care in relation to students. The duty requires the Principal and VIT teachers to take reasonable steps to minimise the risk of reasonably foreseeable harm.

The duty is *non-delegable*, meaning that it cannot be assigned to another party and the duty may be breached by a direct act or a failure to act.

Multiple staff may have differing responsibilities and duties at various times and the Principal is responsible for establishing and monitoring a system for supervision that is shared amongst staff, including:

- ensuring the school complies with Ministerial Order 1359 and the Child Safe Standards
- provision of suitable and safe premises, facilities and equipment
- provision of an adequate system of supervision, including measures for specific students that may have a Behaviour Management Plan or Personal Support Plan in place
- implementation of strategies to prevent bullying and harassment

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- ensuring that medical assistance is provided to a sick or injured student and that emergencies, accidents and incidents are responded to and appropriate follow up steps are taken
- managing employee recruitment, conduct and performance
- undertaking risk assessments for events, camps, excursions and activities
- undertaking risk assessments of online programs and resources being accessed by students
- educating students about their own physical and psychological safety, eg. Providing proper instructions for equipment and tools and how to be safe online.

If a VIT Teacher breaches their Duty of Care, the School is required to notify VIT who may conduct an external investigation. The School will also carry out its internal investigation and disciplinary actions (as appropriate).

A general duty of care is applicable to all staff at the School who must take reasonable care to protect students from the risk of harm or injury

A teacher's duty of care is not confined to the geographic area of the school, or to school activities, or to activities occurring 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.

The teacher's duty of care is greater than that of the ordinary citizen in that a teacher is obliged to protect a student from reasonably foreseeable harm or to assist an injured student, while the ordinary citizen does not have a legal obligation to respond.

Corner Inlet College staff are required to ensure that we meet the requirements of Ministerial Order 1359 and the Child Safe Standards which applies to all staff, contractors, volunteers and any other members of the school community. A breach in duty of care will be established if a teacher/staff or the Principal failed to take immediate and positive steps after having formed a belief that there is a risk that a child is being abused or neglected.

### Informing Staff of their Duty of Care

All staff will be informed of their legal requirement of Duty of Care via:

- Position Descriptions
- Corner Inlet College Induction Program.
- Duty of Care will be a regular agenda item at staff meetings.
- VIT Teachers will complete a risk assessment when completing planning for camps, excursions and incursions.
- Staff will be directed to the Duty of Care policy annually.

### Related Documentation:

Corner Inlet College Camps and Excursions Risk Management Assessment Form

Corner Inlet College Staff Code of Conduct

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Corner Inlet College Maintenance Schedule

Corner Inlet College Accident & Injury Register

### **Related Policies:**

- Working with Children Policy
- Protecting Children Policy – Reporting & Other Obligations Policy
- Student Supervision Policy
- Bullying and Harassment Policy
- Behaviour Management Policy
- Digital Technologies Policy
- Delegations Policy
- First Aid Policy
- Child Safety & Wellbeing Policy
- OH&S Policy