

Duty of Care Policy

Purpose: The purpose of this policy is to outline the non-delegable duty of care obligations that Phillip Island Village School owes to our students and members of the school community who visit and use the school premises.

Scope: All school staff

Implemented by: Principal

Approved by: School Board

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

Communicated via: Website, Staff Handbook, Parent Handbook, Policy Folder

Overview

“Duty of care” is a legal obligation that requires schools to take reasonable steps to protect students from reasonably foreseeable harm or injury..

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.

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 Principal considering the following factors:

- the number of students being supervised
- the type and location of activity being undertaken
- the skillset and experience of the staff member
- the qualifications, and experience of any external providers
- 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 such a way that students are, as far as can be reasonably expected, protected from 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 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.

Phillip Island Village School 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 registered teachers are held to a high standard of care in relation to students. The duty requires the Principal and 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 Personal Management Plan or Behaviour Management Plan in place
- implementation of strategies to prevent bullying and harassment
- 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
- 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 registered teacher breaches their Duty of Care the School is required to notify VIT who may conduct an external investigation.

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.

Phillip Island Village School 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 member of the school. A breach in duty of care will be established if a teacher 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
- Phillip Island Village School Induction Program.
- Duty of Care will be a regular agenda item at staff meetings.
- VIT registered teachers will complete a risk assessment including duty of care when completing planning for camps and high risk excursions and incursions.
- Staff will be directed to the Duty of Care policy annually.

Related Documentation & Policies:

Phillip Island Village School Camps and Excursions Risk Management Assessment Form

Phillip Island Village School Staff Code of Conduct

Phillip Island Village School Maintenance Schedule

Phillip Island Village School Accident and Injury Register

Working with Children Policy

Protecting Children Policy – Reporting & Other Obligations

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