



DUTY OF CARE POLICY

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Authorised by:
Principal

Approved by School Council:
15.11.23

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Purpose:

The purpose of this policy is to explain to our school community the non-delegable duty of care obligations that all staff at Horsham 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
- Personal Property
- 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.

Implementation

Whilst each case regarding a teacher's legal duty of care will be judged on the circumstances that occurred at the time, the following common examples may be times when a teacher has failed to meet their legal duty of care responsibilities to their students:

- Arriving late to a scheduled timetabled yard duty responsibility
- Failing to act appropriately to protect a student who claims to be bullied
- Believing that a child is being abused but failing to report the matter appropriately
- Being late to supervise the line-up of students after the bell has sounded
- Leaving students unattended in the classroom
- Failing to instruct a student who is not wearing a hat to move indoors
- Ignoring dangerous play

Classroom Supervision

- Staff must not leave students unattended during lessons
- Where students are required to leave the classroom eg. to return computers, the teacher should ensure that as far as possible, the students remain in visual contact
- Teachers are responsible at all times for students and the duty of care cannot be delegated to support staff, incursion staff or trainee teachers etc.
- In an emergency situation send one or more students to get help from the nearest teacher or from the office
- If students are sent out of the room as a consequence for misbehaviour, visual contact should be maintained.

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>

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](#)

COMMUNICATION

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

- Provided to staff at induction and included in staff handbook/manual
- Discussed at staff meetings/briefings as required
- Made available publicly on our school website
- Included as annual reference in school newsletter
- Made available in hard copy from school administration upon request

Review Cycle and Evaluation:

This policy will be reviewed as part of the school's review cycle.