

DUTY OF CARE POLICY



Help for non-English speakers

If you need help to understand the information in this policy, please contact Kingswood Primary School at kingswood.ps@education.vic.gov.au

PURPOSE

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

POLICY

Kingswood Primary School staff have a duty of care in relation to students. Principals, teachers, and other staff working with students must take reasonable steps to minimise the risk of reasonably foreseeable harm, including by:

- providing suitable and safe premises
- providing an adequate system of student supervision
- undertaking risk assessments for school activities and events
- implementing strategies to prevent reasonably foreseeable injuries, whether physical or psychological, to students (including injuries suffered as a result of bullying)
- ensuring that appropriate medical assistance is provided to a sick or injured student
- ensuring the school complies with the Child Safe Standards
- taking other reasonable precautions to minimise the risk of child abuse by an individual associated with the school
- implementing relevant Department and local school policies
- managing employee recruitment, conduct and performance

This duty of care is non-delegable, meaning that it cannot be assigned to another party. However, this does not mean that only one person holds a duty of care to a particular student at any one time. Multiple staff may have a duty of care to the same student, with differing responsibilities and roles to play in relation to the school discharging its overall duty of care. The precise scope of each staff member's duty of care may be different.

Duty of care to students outside the school

In some circumstances, the duty of care owed by school staff will extend beyond school hours and outside of school grounds. Whether the duty extends outside of school hours or outside school grounds will depend on all the circumstances of each individual case, and the school staff members' knowledge of any reasonably foreseeable risks of injury.

"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
- External Providers
- Emergency Management
- Volunteers
- Visitors
- Working with Children and Suitability Checks
- Mandatory Reporting
- Occupational Health and Safety

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 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://www.education.vic.gov.au/school/principals/spag/curriculum/pages/workplace.aspx>

FURTHER INFORMATION AND RESOURCES

School Policy and Advisory Guide:

- [Bullying Prevention and Response](#)
- [Child Safe Standards](#)
- [Child Protection and Child Safe Standards \(PROTECT\)](#)
- [Excursions](#)
- [International Student Program \(ISP\)](#)
- [Legal Claims, Subpoenas, Summonses and Other Legal Documents](#)
- [Risk Management — Schools](#)
- [Supervision of Students](#)
- [Volunteers in Schools](#)
- [Local School Policies](#)

REVIEW CYCLE

Policy last reviewed	March 2022
Approved by	Facilities and Community Engagement Sub Committee
Next scheduled review date	March 2026