



DUTY OF CARE POLICY AND PROCEDURES

PURPOSE

To ensure that Eaglehawk North Primary School staff members have an understanding of their legal duty of care to students and behave in a manner that does not compromise these legal obligations.

To explain to our community the non-delegable duty of care obligations that all staff owe to our students and members of the school community who visit and the use the school premises.

Duty of Care is a legal obligation that requires school 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.

POLICY

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 the each staff member's duty of care may be different.

Our school has developed policies and procedures to manage common risks in the school environment, including:

- On site supervision policy
- Bullying prevention
- Camps and excursions
- First Aid Policy
- Grounds and routine maintenance
- Conditions based maintenance
- Child Safe Standards and policy
- Emergency management and Displan policy
- Volunteers
- Health Care Needs
- Medication administration
- OHS policy

Eaglehawk North Primary School acknowledges that 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. We understand that the school is responsible for ensuring that the school premises are kept in good repair and will take reasonable steps to reduce the risk of members our the 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

INFORMING STAFF OF THE LEGISLATIVE LIABILITY OF DUTY OF CARE

All Eaglehawk North Primary School staff will be informed of their legal requirements via:

1. A copy of this Policy document will be provided to each member of staff at the first staff meeting at the commencement of the school year and will be place on SENTRAL.
2. New staff will be informed of their Duty of Care as part of the school Induction Program.
3. Duty of Care will be the agenda item at staff meetings and staff will be directed to familiarise themselves with the Student Safety section of the Victorian Government Schools Policy Advisory Guide.
4. Staff will complete a risk assessment including duty of care when completing planning for camps, excursions and incursions.

5. Staff will be directed to the Wellbeing Policy annually, inclusive of compliance with Child Safe standards.

Related policies

All Department policies relating to the care, health, safety and wellbeing of students including:

- [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](#)

Other policies relevant to duty of care include:

- [Insurance for Schools](#)
- [Personal Liability of School Employees](#)
- [School Council — Liability and Legal Proceedings](#)

Related legislation

- [Wrongs Act 1958 \(Vic\)](#) 

EVALUATION

This policy will be updated in reference to the DET policy and programs portal and Students at Risk documentation .

